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AMONG THE SOLONS.

BURNSIDE AND CONKLING POSING.

But their Friends Stand Between them—The Potter Committee—Hilliard to be Recalled—Greenbackers' Address—Diplomatic Reception—Judge Settle's Arrival.

Special dispatch to The Constitution.

WASHINGTON, February 26.—The greenback members elected to the forty-sixth congress, at their meeting yesterday, adopted an address to the people of the United States, in which they refer to the thorough organization of the money-loaning interest as against labor and capital invested in productive and commercial enterprises. "This gigantic power," the address states, "embraces the national administration and legislature, the machinery and leadership of the republican and democratic parties, and more than 2,000 national banks, forming a banking system yet in the infancy of its power, whose operation has transferred the control of issuing and regulating the volume of the people's money from the government, where the constitution rests it, to these corporations whose directors are not responsible to the people."

After further reference to the influences exerted by the "money power," the address states that a separation from the old parties, whose leaders, machinery and presses are mostly allied with that power, is demanded. Impelled by this conviction, we have resolved to act together in organizing the next house of congress, that we may the better secure such legislatson as will accomplish the desired results. We are assured that though members entertaining our views have been elected to hold the balance of power, we propose to wield that power for the sole purpose of embodying our principles in the law. We call upon you to unite in precinct, town, city, county, congressional districts and state organizations for the same end. We also invite all greenback and labor clubs, by whomsoever organized or chartered, to place themselves in communication with their respective county and state organizations and through them with the headqurters of the national executive committee in Washington.

If the forthcoming reports of the Potter investigating committee bear any relation to the bulk of the evidence taken, they will be among the largest that have been presented. The stenographers' notes cover over three thousand pages of close print. The committee and sub-committees together have sat for nearly one hundred days, and have heard the testimony of two hundred witnesses. The committee commenced its investigation on June the first at Washington, and sat until July the thirteenth, with but two or three days intermission. In the meantime two sub-committees had been sent out, one to Tallahassee, Florida, which sat for five days, and one to New Orleans, which commenced operations on the 1st of July and closed on the 25th, having sat twenty-one days. On July 22, the committee left Washington for Atlantic city, where it sat for five days and then proceeded to New York, where it was in session from August 12 to August 24. A sub committee went to New Orleans again during the Christmas recess, and on February 6th a second sub-committee was dispatched to New York, and took testimony for ten days. Since January 11th the committee has sat nearly every day in Washington, and a large number of witnesses have been examined. The appropriations to this committee amount to thirty thousand dollars.

The Potter committee in secret session today discussed a number of documents, among which were recommendations of the appointment of Dennis to the treasury, which were signed by Wm. E. Chandler, A. Bisbee, L. Stearns and A. A. Sargent, and a recommendation of the appointment of Lemee to be special agent of the treasury, which was signed by Governor Kellogg, J. Madison Wells and A. Voorhies. It is now understood that no further evidence will be taken. An exception was made in favor of Woolley and Solomon, but the first named is certified to be too sick to attend, and an agent sent to Tallahassee to subpœna the latter reports that he is not to be found, and it is thought he has gone to Mexico.

The chairman read the following letter:

CINCINNATI, February 22.—To Hon. Clarkson N. Potter, chairman:—Your affiant, Charles W. Woolley, says he is forty-seven years of age, a citizen of the United States, by profession and occupation a lawyer by occupation; that he never indulges in alcoholic drink, nor does he ever engage in games of hazard. Affiant has been ill for more than a week, confined to his bed, and can not leave it without probably endangering his life. Affiant has read the evidence of one John F. Coyle before your committee on the 17th inst., and says without conclusion, injunction or reservation that so far as the statements of said Coyle purport to say of him (affiant), the same are utterly false that he cannot otherwise better describe his statements of them than by simply saying they are absolutely untrue. As affiant is unable to go to your committee, and your committee cannot come to him, he respectfully asks that his affidavit be allowed a place with the records of the committee. Affiant says that if your committee will receive and file the above statement from him as to all his transactions of any political matters in Louisiana and Florida in 1866, he will have his statements prepare the same at once. Affiant pledges in such statement that he will respond fully and fairly to every point of attack made upon his conduct from any and every responsible source so far as the same has come under his observation. C. W. WOOLLEY.

Sworn to and subscribed in my presence by Charles W. Woolley, this 22d of February, 1879.

[SEAL.] THOS. A. WOOLLEY, J. P.

Mr. Hiscock moved that the affidavit be not received and the motion prevailed.

Adjourned until Friday, when discussion will be had regarding the reports to be submitted.

The decorum of the senate was once more upset, in executive session, by Mr. Conkling, who selected General Burnside for a victim of his ill-temper. The discussion, which terminated in a dispute and the exchange of very unparliamentary language, was on the question of voting upon the nomination of Stratton, Mr. Hayes's appointee for steamboat inspector of the New York district. The nomination was made some time ago and was held back by the committee on commerce. After several months of silence, Mr. Conkling reported Stratton adversely, but the friends of the gentleman succeeded in having the matter recommitted. For the second time, an adverse report was submitted, and this led to some feeling among senators who were interested in the nomination. Saturday evening Mr. Conkling wanted action upon the nomination, and in the course of a discussion, asserted that General Burnside, though pretending to desire that the matter should be disposed of, really wanted it postponed. The senator from Rhode Island denied that he had any such motive, to which Mr Conkling retorted that Burnside had already procured a postponement of action four different times. The latter denied this, and said he had never suggested delay but in a single instance, and that was because Mr. Conkling, who had reported on the case was absent. He thought it a courtesy due to an absent senator. Mr. Conkling, in his most offensive tone and manner, thanked the senator from Burnside for his courteous attention, and reiterated his statement that the latter had deferred action four times, adding that it was not always because the chairman of the committee on commerce was not in his seat, because he had been present and witnessed the proceedings for delay. He said the senator from Rhode Island could not equivocate in his presence; he knew too much about the record of the case. General Burnside at once replied, beginning in a temperate manner; but as he proceeded he grew more indignant, and finally trembled with rage. He said he had served on the committee committee with Conkling, and left it because he was disgusted with the latter's continued and persistent equivocations. He advanced toward Conkling, making some threatening demonstrations, but Senator Anthony caught hold of him. Conkling stood still, but faced toward the general as though prepared for a tussle. The scene became very exciting, as all the senators present gathered about the two indignant statesmen. Mr. Anthony wrestled with his colleague, and finally led him out of the chamber, declaring in a loud voice as he retired that he would not be bullied. While the lie outright was not passed, it amounted substantially to that; that such terms as falsehood, wilful prevarication and equivocation were exchanged and threats of future settlement indulged in by both senators. The general opinion, however, seems to be that nothing in the nature of bloodshed will follow.

Assistant Secretary Seward said yesterday that Mr. Hilliard, minister to Brazil, will probably be recalled. He is the only democrat in the diplomatic service, and hails from Georgia. It is understood that his place is wanted for Senator Oglesby.

The house committee on commerce has decided to support Eads's relief bill when it comes from the senate. A grand reception was given by the president and Mrs. Hayes to-night to the diplomatic corps. A brilliant throng attended; about two thousand invitations were issued. Governor Colquitt, of Georgia, arrived here to-night on business connected with that state.

Hon. Thomas Settle, United States district judge for the northern district of Florida, arrived in Washington to-day for the purpose of consulting with Justice Bradley, of the supreme court, and fixing a day in May or June next for a final hearing of the Florida railroad case, now pending in the circuit court of the fifth judicial circuit. In the absence of Circuit Judge Wood, who will then be in Texas, Judge Settle will preside with Justice Bradley in hearing these cases, which involve the entire railroad system in the state of Florida. They are on docket for the further hearing at the May term of the court at Jacksonville.

The members of the California delegation in congress visited the president to-day and urged him to sign the bill restricting Chinese immigration. The president said nothing to indicate what he would do, but the Pacific slope members are afraid the president will veto the bill. The subject was not under consideration in the cabinet to-day.

THE FEDERAL CONGRESS.

The Repealing Clauses Pass the House—The Senate Refuses to Seat Corbin.

THE SENATE.

WASHINGTON, February 25.—Pending the execution of the order to compel the attendance of senators a quorum was disclosed by a vote on the amendments, and the senate proceeded with the consideration of the bill to prevent the introduction of contagious or infectious diseases into the United States and to establish a bureau of public health. The bill was read a third time and passed. The senate then took up the deficiency appropriation bill, and at 4:35 this morning adjourned to meet at 1 this afternoon.

The senate to-day, by a vote of 25 to 36, refused to take up the resolution declaring David T. Corbin entitled to the seat as senator from South Carolina, in place of M. C. Butler, the present incumbent. Messrs. Cameron, Pa., Conover, Mathews and Patterson voted with the democrats in the negative.

The deficiency appropriation bill was then taken under consideration.

The vice-president laid before the senate, by request, a telegram from the California constitutional convention transmitting resolutions of that body, thanking congress for the triumphant passage of the bill restricting the immigration of Chinese to the United States and declaring that the senators and members who supported the bill will receive the lasting gratitude of the people of California.

Mr. Hoar (Massachusetts) objected to the reception of the paper under the 14th rule, it not being properly authenticated, and under that rule telegrams could not be received.

The vice-president decided the point of order well taken.

Mr. Sargent said the rejection of this telegram was simply punctuating its contents. A lively debate ensued by unanimous consent, until finally Mr. Kirkwood (Iowa) objected, and the senate proceeded with the regular morning business.

THE HOUSE.

A motion was made by Mr. Monroe (Ohio) to suspend the rules to pass the bill applying twenty million dollars of the proceeds of the sale of certificates of deposit, authorized to be issued in aid of refunding the public debt, to the payment of arrears of pensions was defeated. Yeas, 116; nays, 123. The house is now in committee on the legislative appropriation bill.

In the house, Mr. Banning (Ohio) took to task his colleague, Mr. Garfield, for a statement made by Garfield, last week, that there had been enough men sent to the penitentiary from Cincinnati for election frauds as to take away the majority of one of the members from that city—meaning Banning. Banning denounced the statement as an infamous falsehood, and accused his colleage of a violation of the ninth commandment against bearing false witness.

Mr. Garfield said he had not referred to his colleague by name, and that all he knew of the matter was from current history.

The house went into committee of the whole on the legislative appropriation bill, and disussed for an hour the amendment offered by Southard, of Ohio, to repeal the election laws. Speeches were made by Hale, of Maine, against, and by Southard for the amendment, each taking the position that his respective side of the house would never yield on the point. It turned out, however, that Hale could not get the undivided support of his own side of the house in his tactics to defeat the amendment by refraining from voting, and thus preventing the apperance of a quorum. Three of the republicans did vote, and these votes, with that of the speaker, constituted a quorum, and so the amendment was carried amid great demonstrations of triumph on the democratic side. Then the bill was reported to the house, and there, too, the amendment was carried under almost similar circumstances. The amendment repealing the juror's test oath and fixing the pay of jurors at two dollars a day was also adopted, and the bill was passed. The house then adjourned.

Rex's Day.

NEW ORLEANS, February 25.—The procession moved according to programme and everything passed off quietly. The weather was clear and warm and the streets were thronged with people. The procession consisted of twenty large and nine small cars, containing figures and groups representing the prominent epochs in the history of the world, from 4,000 years before the Christian era to the present day, in a comic light.

Special dispatch to the Constitution.

NEW ORLEANS, February 26.—The king's reception and ball to-night was a brilliant affair. General Sherman and party were among the guests. Miss Courtney Leathers was selected as queen and Misses N. Bourgeois, Jessie Babb and Fannie Aroni as maids of honor. The balls at all the theaters were also well attended.

An Appeal from the Faithful.

Special dispatch to the Constitution.

SAN FRANCISCO, February 26.—The following was telegraphed to the president to-day:

Rutherford B. Hayes, President of the United States, Washington, D. C.—At a meeting of the executive committee of the republican state central committee of California, held to-day, it was unanimously resolved that the president be respectfully but most urgently requested to sign the bill for the limitation of Chinese immigration as such immigration is believed by the committee and those of whom it represents to be not only prejudicial, but disastrous to the welfare of the state.—(Signed) ALEX. G. ABELL, Chairman.
M. D. BORUCK, Secretary.

At the request of the chamber of commerce, the mayor has called a mass meeting of citizens for Thursday afternoon. Governor Irwin will preside.

He Wants to be a Soldier.

Special dispatch to The Constitution

LONDON, February 26.—The Standard announces conspicuously this morning that the French prince imperial will sail for the Cape to-morrow. He intends to join as a volunteer in the column which is likely to have the sharpest fighting. His earnest petitions for a commission in the British army have been rejected.

All the London newspapers confirm the statement regarding the prince imperial's departure for the Cape. He will be permitted to join the staff of the royal artillery.

The Mexican Method.

SAN FRANCISCO, January 25.—A dispatch from Tucson, Arizona, says advices received this morning from Sonora state that the legislature has just transferred extraordinary powers on Governor Mariscal, and that in pursuance thereof, the governor was inaugurating most vigorous measures to thoroughly suppress the revolution. Orders have gone out that each district must furnish its quota of troops. All this proves the alarming character of the revolution.

POOR MOLLIE'S HEART.

RAGE LIKE LOVE TO HATRED TURNED

Mr. Ragsdale's Dalliance Leads him into Mollie's Love and thence into Many Tribulations—Attempted Escape in Breathitt County—Other Crimes and Casualties.

FRANKLIN, IND., February 25.—To-morrow is the day set for the trial in the circuit court here of the breach of promise suit between Miss Mollie McClain and John W. Ragsdale. Great preparations have been made for this trial, which is destined to be a cause celebre in Johnson county, and to rank second only to the famous case of Bardell vs. Pickwick, immortalized by the most popular of English novelists. Both parties belong to the very creme de la creme of society here, have many friends and connections, and are extensively known throughout this section. The plaintiff is a much more attractive person than was the widow Bardell of Dickens's inimitable story, and the circumstances leading to her application for "exemplary damages" are such as to excite profound sympathy and unrivaled interest. In personal appearance she is quite handsome and decidedly stylish. What makes largely in her favor in the pending suit is the fact that she is an orphan girl, who has been struggling bravely to make a living in the avocation of a milliner. She is about twenty-two years of age and highly esteemed by all classes.

Mr. John W. Ragsdale, the defendant, is about thirty years of age, handsome, ambitious, and by all odds the most popular young man in Johnson county. This fact is attested by his having been twice elected treasurer of the county, and also by the crowd of friends who now rally around him in his hour of trouble.

In her complaint, the fair plaintiff alleges that Mr. Ragsdale was her devoted and favored suitor for a number of years; that he offered marriage, and was promptly and joyfully accepted; that a most tender intercourse was kept up between the two during a long period, and that it was the fondest hope of her heart that the day would soon arrive when she and her true love should be declared one and indissoluble. But time wore on; days lengthened into weeks, weeks into months, and months into years, and yet the defendant failed to fulfill his often-repeated promise to marry the plaintiff. On the contrary, she was startled a few months ago by the announcement that Mr. Ragsdale had married Miss Ophelia Wheat, daughter of a wealthy and influential citizen of this place, and with his blushing bride by his side had gone off on an extended wedding tour.

This proved too much for human patience, especially female patience, and the deserted lady instantly sought solace in a suit for breach of promise, laying damages at $10,000. Such was the state of affairs that the gay deceiver found facing him on his return, and he realized to its fullest extent the trenchant couplet of the poet Congreve: "Heaven hath no rage like love to hatred turned, Nor hell a fury like a woman scorned."

Unfortunately for him, in his hours of dalliance he had exchanged many tender missives with the gentle Mollie. He had indulged extensively in the pastime of letter-writing, and left with his discarded lover many indelible evidences of his matrimonial intentions and declarations of undying devotion. These tell-tale epistles will be produced at the trial. They are gotten up in a style that would do honor to the "Complete Letter Writer," abound in fine touches of sentiment, and breathe the very essence of the "tender passion." The defendant managed to repossess himself of several of the most interesting, but enough still remain in the plaintiff's hands to furnish Mr. Ragsdale ample exercise under the legal plea of "confession and avoidance." He bids fair to join Stanley Matthews as an awful warning to those who exhibit an overweening fondness for the fascinating but dangerous luxury of epistolary correspondence.

A curious feature of the case will be an interesting episode of a twenty-dollar gold piece. The plaintiff exhibits such a piece of metal as a memento of her unhappy courtship, and says it was given to her by Mr. Ragsdale to be presented to the preacher who was to tie the nuptial knot. After his change of mind he visited Miss McClain for the purpose of demanding its return. This she resolutely refused to do, and, in the presence of witnesses, stated the circumstances under which it was given her. She declared her intention to surrender the treasured gold piece only with her life, and this terminated the dramatic meeting of the estranged lovers.

The interest in the case is intense throughout the county, and large crowds will be present during the progress of the trial. All the evidence will be printed from shorthand reports, and will doubtless be eagerly read by the public. Hon. Thomas A. Hendricks will appear for the defense, and many other lawyers of distinction and ability will take part in the case. The situation is an exceedingly unpleasant one for the defendant. He has but recently married into one of the wealthiest and most influential families in the country; is a young man of ambitious aspirations, and quite prominent in political affairs; and the pending suit is well calculated to cause him excessive annoyance and embarrassment.

CINCINNATI, February 25.—A special dispatch says: Jason Little and other convicted prisoners of Breathitt county, Ky., made a desperate attempt to escape from jail on the night before their departure for the penitentiary. They had cut through the floor of their cell to the room below, from which they could have easily effected their escape had their plan worked to suit them. They had arranged with friends on the outside to engage in a sham fight on the opposite side of the jail, when they were to make their escape; but the prisoners were discovered in the lower room, and Judge Jackson ordered them put in irons.

SYLVANIA, GA., February 25.—A terrific hail storm passed through Screven county last Tuesday morning, 18th instant, from Ogechee station to the mouth of Brier creek, on the Savannah river. It was accompanied by a continual roar of thunder, and the hail-stones, many of them, were said to be as large as a guinea egg. Holly trees in its path were stripped of their leaves.

TRENTON, N. J., February 25.—The supreme court met this morning. Immediately on opening, Attorney-General Stockton presented the case of Graham, an accomplice of Hunter in the murder of Armstrong in Camden county. He held that Graham was used by the state, and without his testimony the state could have made no case against Hunter, and on principles of justice, as well as precedent, he should not be prosecuted. The court reserved its decision.

LITTLE ROCK, February 25.—Two days ago traces of a desperate struggle, fragments of clothing, etc., were found one mile out on the north side of the river, and of a bloody body dragged from the Memphis railroad track to the river bank. Efforts at discovery failed. Yesterday, however, the falling river disclosed the body of B. F. Thomson, of Coldwater, Mississippi, with his throat cut and body badly mutilated. The coroner's inquest developed the fact that he was a stranger, who came to seek a location, exhibiting money carelessly. It is supposed he was murdered for it. There is no clue as to the perpetrators.

GALVESTON, February 25.—The News' Jacksonville special says that Joseph E. Douglas, of the firm of Douglas & Son, while standing in front of the post-office, in conversation with several acquaintances, was killed by E. H. Edmondson, who approached unobserved from the rear, with a shot-gun, and fired the entire load of buckshot into the former's head. No reason is given for the assassination.

PHILADELPHIA, February 25.—At 9 o'clock this morning a deputy sheriff took Angell into custody and conveyed him to the court of common pleas. The counsel for the Pullman palace car company announced his readiness to make proof of the prisoner being the person named in the warrant. The judge informed Angell of his rights under the law, but he replied that he did not desire that a writ of habeas corpus should issue. After hearing the testimony the judge remanded Angell to the custody of Detective Frank, of London, representing Illinois, and the sheriff taking a written receipt for the prisoner, Angell was then taken to the Pennsylvania railroad depot and started for Chicago at noon, accompanied by his brother.

When the tug conveying Angell from the Delaware break-water arrived at her dock after one o'clock this morning, the prisoner, Detective Frank and Superintendent Goodman walked from the river front to Broad street, where a carriage was taken and the party proceeded to Goodman's house, passing the night there.

NASHVILLE, February 25.—Fred Rhine, who, with an accomplice, robbed Gates & Pohlman's store of a large lot of diamonds about two years ago, attempted to escape from the penitentiary in a very novel manner. He got a trusty to allow him to get into a wheelbarrow containing soiled clothing, which was to be conveyed to the yard of the woman's department outside the prison. He curled up in a knot in the wheelbarrow and permitted the trusty to pile a mass of pantaloons, jackets and under clothing upon him, and started out as the big gate, where he was overhauled, the clothing thrown off and ordered back to his quarters.

The accommodation train from Franklin, Ky., to Louisville, on the Louisville & Nashville railroad, ran over and killed Thomas Goodwin while he was sitting on the track near the depot at Franklin. The train was running around the curve, and he was seen too late to stop in time to save him. The whistle was blown, but to this he paid no attention. Goodwin lived three miles from Franklin, and leaves a family. He is said to have been partially deaf, and probably did not hear the rumbling of the train nor the whistle of the locomotive. He was about 60 years of age.

BRIDGEPORT, CONN., February 25.—In the Bassett trial Mrs. Alexander was the first witness for the prosecution. She related the circumstances of the murder very nearly as they were told on her first examination.

ST. LOUIS, February 25.—A special from Jefferson City says the treasury investigating committee reported this morning, giving the amount of State Treasurer Gates's deficit at $340,000. His impeachment is recommended.

HAVANA, February 25.—Marion Taylor, a citizen of the United States, and a printer by trade, was dangerously stabbed last night at a masquerade ball in Tacon theater.

Special dispatch to The Constitution.

NEW ORLEANS, February 26.—Sell. Howell, general southern passenger agent of the Piedmont Air-Line railway, was shot and instantly killed by A. T. Wimberly, a merchant, of Coffeeville, Miss., in an affray to-night. Ed. Howell, brother of the deceased, then shot Wimberly in the back, inflicting a dangerous wound. About a dozen shots were fired. A bystander was also wounded. Ed. Howell was arrested and Wimberly sent to the hospital. Physicians report that he will live till morning.

Special dispatch to The Constitution.

NASHVILLE, February 26.—Thos. Merryman, while drunk, went to the house of his mother-in-law in Nashville yesterday afternoon and shot her with a double-barrelled gun, killing her instantly. There was no provocation for the murder. Merryman escaped and parties are in pursuit.

NEW YORK, February 25.—David Pender, who garroted Mrs. DeBory on Fifth avenue, has been sentenced to twenty years in the state prison.

FOREIGN FLASHES.

The Plague—Mutual Good Feeling, Etc

LONDON, February 25.—The Times' correspondent at Vienna says: "Quite a new spirit has been infused into the Turco-Russian relations. This is specially noticeable in the transactions relative to evacuation of Turkish territory. Both sides vie in friendliness. Russian proposals relative to details were so fair that they were almost immediately agreed to. The impression is confirmed that the Russians themselves were anxious to leave."

A special dispatch to the Times from Constantinople says Austria and Turkey continue to hold the most conciliatory language and declare themselves most anxious to come to a mutual and satisfactory arrangement relative to a convention, but neither shows any symptom of yielding on one essential point, viz: Whether or not there is to be any express declaration that the occupation of the Turkish provinces is merely provisional and temporary.

A detailed report of Bismarck's speech in the reichstag, in the debate on the Austro-German treaty of commerce contains the following relative to his commercial policy: "It is my duty to stick to my convictions, that is how I mean to act and if I do not obtain immediate success I shall try again, that is all."

The committee appointed to superintend the burning of the infected houses in the plague districts has commenced operations.

THE NEW KINGDOM.

The Troubles Besetting Bulgaria—Austrian Intrigues.

LONDON, February 25.—A dispatch from Tirnova to the Times says the Russians are perfectly aware of the intrigues of the agents of Austria to promote Austrian occupation of the country between Novibazar and the Aegaen sea, and they are doing their utmost to quiet the Bulgarian agitation for a union of Roumelia and Bulgaria, believing that further troubles at present would tend to alarmingly increase Austrian influence south of the Danube. The Bulgarians are aware of these secret rivalries, and the radical party are endeavoring to obtain their ends by threatening to throw themselves into the arms of Austria. If the European powers would consent to abrogate the clause of the treaty of Berlin for the establishment of a Turkish garrison in the Balkans, the moderates would be able to control the Bulgarian assembly, and the Roumelians would be sufficiently satisfied to obviate any fear of disturbances. The deputies from Roumelia and Macedonia were merely admitted to the opening of the Bulgarian assembly as spectators.

The Turkish Customs.

CONSTANTINOPLE, February 25.—The porte has telegraphed Safvet Pasha, Turkish ambassador at Paris, accepting in principle the modifications of the scheme of M. De Fequeville for the administration of customs. The porte promises to send a circular to the powers notifying them of its relinquishment of the control of the administration of customs. Italy has put forward a claim to equal representation with England and France on the customs commission. It is reported that other powers will make a similar claim.

California Thanks.

SAN FRANCISCO, February 25.—The chamber of commerce has unanimously adopted a resolution of thanks to the representatives in congress who have, by their votes on the bill regulating coolie immigration, manifested their sincere regard for the interests of the Pacific coast. Also, a resolution urgently requesting the president to sign the bill. Mass meetings are being held throughout the state with the same object in view.

Bamburg Destroyed.

Special dispatch to The Constitution.

CHARLESTON, S. C., February 26.—A fire this morning in Bamburg, S. C., destroyed two-thirds of the business portion of the town. Estimated loss, $50,000; insurance about $15,000.

The Prohibitory Ticket.

PROVIDENCE, February 25.—The prohibitory state convention nominated the present republican state officers for re-election.

MRS. FELTON'S LETTER

THE CURRENT OF STREET CRITICISM.

The Letter Generally Condemned—General Gordon's Friends do not Mind it, but Claim that it is a Rehash of Old Charges and Amounts to Nothing.

The extraordinary letter of Mrs. Felton directed against General Gordon was very generally discussed on the streets yesterday. The decided drift of criticism was in condemnation of the letter. Of course General Gordon's friends denounced it in the strongest terms, but those who may be considered unprejudiced generally pronounced it unfortunate and unwise. Many gentlemen who are strong friends of Dr. Felton expressed themselves as pained to see the letter. One gentleman said: "The case is a remarkable one. It is perhaps the first time (and may it be the last) a lady has figured prominently in politics in Georgia. I can hardly imagine anything more at variance with our traditions and imitations. And yet it would appear that Mrs. Felton is herself responsible for this state of things. The very fact that she wrote this letter to Senator Ferry put her into the discussion. That letter is a fit subject of discussion. She as the writer of it must expect to be discussed. But if the allusion to Mrs. Felton in Mr Reese's letter had been of the most offensive nature and most wantonly made, she should have relied on the chivalry of Georgia, which never sleeps, to have discovered the fact and visited reproach upon her slanderer. By the publication of this letter, which is masculine in its temper and tone and object, she forfeits the sympathy that might have been felt towards her—at even the innocent allusion of Mr. Reese. As it is, she has put herself in the political arena, and all forbearance shown her in the future must be simply forbearance. I think that while she writes tartly and, of course, boldly, that she will hurt her husband by her course. The people of Georgia have no taste for such things as that."

A friend of General Gordon's said with some indignation: "What can Gordon do in reply? What can he say to Felton who is protected by a pulpit on one side and a woman on the other? There is nothing new in these charges. They have been rung again. Gordon ever since he went into the 7th district. They were printed anonymously in all the papers of the district, and Gordon knew where they all came from. But what could he do? Could he attack a woman or a preacher? And so the assaults went on. The papers were filled with the charges, and the bangers-on of Felton poured them into the ears of the legislature. But what was the result? Why, the legislature, in the face of these charges, had such supreme confidence in the man that they elected him to the senate by the most flattering vote ever given to any man in the history of Georgia. These things may annoy Gordon, but they cannot hurt him. He enters upon his second career as senator, backed by the strongest constituency that any Georgian ever had."

These two opinions cover the general tenor of the feeling among the general public. One thing was noted as follows: "There is nothing in the extract from Reese's letter to justify either the fact of Mrs. Felton's attack, its direction to General Gordon, or its venomous tone. Why was it made then? It is plain that it is a part of a positive and precise plan to break down the democratic organization in Georgia by attacking its leaders, without regard to anything but to break them down! They will find that they have undertaken a bigger job than they can execute."

There are some devoted friends of Dr. Felton, who assert that they believe Mrs. Felton was justified in her attack and has neither struck wantonly nor too severely. They claim that General Gordon had no right to interfere in the fight in the seventh, and that he must take the consequences of his interference. On these grounds they justify the letter of Mrs. Felton. There is a general feeling that the last has not been heard of the controversy thus opened, but that it will develop into a very serious matter before it is done with.

U. S. FOUR PER CENTS.

But a Light Demand for them in Atlanta.

The sale of four per cent. United States bonds has, of course, been very large in the north and east. It was natural to suppose that but few of them would come south, as our people have very little use for bonds. Ready money commands too high a premium to seek investment in bonds at four per cent., which cannot be made available for every day purposes. A curious reporter yesterday inquired of Cashier Romare, at the Atlanta national bank, to know how many of these bonds that bank had sold. He replied that they had only filled a few orders and these had not gone far over $5,000. In the main they were for persons who desired a permanent medium for saving their small earning and the bonds had been of the denominations of $50 and $100. The principal takers were Germans, who are fond, as a rule, of government securities.

In Chattanooga some $20,000 of these bonds have been similarly taken.

Concerning the Georgia four per cents, Mr. Romare said he had only a few calls, and they for parties who were curious about the baby bonds. The orders were for single $5 bonds.

The Columbus papers of yesterday state that Hon. Mr. Garrard, the author of the four per cent. bond act, had secured $35,000 of subscriptions to them in that city.

THE UNITED STATES COURTS.

Three Hundred Cases Set for Trial—Waging War Against the Whisky Makers.

Monday morning next the United States district court convenes in session at the court-room in the Austell building with Hon John Erskine on the bench. On the Monday following at the same hour the United States circuit court will convene in session at the same place with Hon. W. B. Woods, judge presiding. There is, we learn, a very large quantity of business to be transacted by these courts, and in consequence the terms will be prolonged. At the headquarters we were informed yesterday that there are about three hundred cases to be tried by the United State district and circuit courts during the session to be commenced in a few days. In addition to this number it is thought that many parties will be arrested and tried during the session who are now at liberty.

Of the number of cases already set for trial, at least three-fourths of them are for violations of the revenue laws. During the past two weeks a score of deputy marshals, from all sections of north Georgia, have been in the city getting their papers ready to proceed to business when the courts open up. Nearly all the defendants are out on bond, while a few who were not able to furnish bail are confined at the jail of Fulton county until their cases are called. Although deprived of their freedom, they are well taken care of and provided with all the necessary attention that can be had by prisoners in their unfortunate condition. They seem anxious for Uncle Sam's mills to grind.

The City Court.

HON. RICHARD H. CLARK, JUDGE, PRESIDING.

The city court of Atlanta met at the usual hour yesterday morning, and transacted the following business:

The case of James Gossett vs. James Sewell, which was on trial the day previous, was again taken up and the trial resumed. At noon the trial of the case was concluded, and a verdict in favor of the plaintiff rendered for $38 and costs of suit.

The remainder of the day was occupied in the hearing of motions for new trials.

The city court will meet at 9 o'clock this morning.

The Superior Court.

Judge Hillyer will open the spring season of his courts at Jonesboro, on Monday next, Clayton superior court being the first in order.

On Wednesday of that week it is probable the case of the State vs. Julia Johnson, negress, for the murder of Mrs. Farmer, will be called for trial. This is an interesting case, and the trial will be one of note in our criminal history.

Several other important criminal and civil causes are upon the docket and will doubtless be tried, as Judge Hillyer does not permit the business of his courts to lag.

TO THE PEOPLE.

The Virginia Readjusters Issue an Address to the First Families.

Special dispatch to The Constitution.

RICHMOND, February 26.—At the readjusters' convention last night, the committee on business submitted a report in the form of an address to the people of Virginia, reviewing the course of the readjusters during the past few years to the effect of the settlement of the debt, setting forth the condition of the fiscal affairs of the state, expressing a willingness to do everything reasonable looking to a final settlement, etc. The address concludes with a series of declarations to the effect:

1. That Virginia fully recognizes her just liability for her fair proportion of the public debt contracted by her before her territory was divided.

2. That Virginia can never recognize her liability for that portion of the debt which should attach to West Virginia.

3. That in any settlement with the state's creditors the annual interest of the recognized indebtedness must be brought within her revenues under the present rate of taxation.

4. That the capacity of these revenues to meet such interest must be determined by deducting therefrom the necessary expenses of the government, the apportionment to schools and a reasonable appropriation for support of the charitable institutions of the state.

5. That these limitations should be carefully ascertained and guarded so as to in no event allow the primary obligations of the government and the people to be subordinated to any other demands whatever.

6. That the settlement within the limitation designated is the utmost stretch of the people's ability to pay and should be satisfactory to the creditors as the furthest exaction he can fairly insist on.

7. That any settlement to be final must rest upon the sovereignty of the state and find its best security in the good will, good faith and honor of the people of Virginia.

8. That the sovereignty of the state cannot be pledged nor delegated except for public service, and when so pledged or delegated is at any time revocable by the legislature.

9. That any self-executing lien upon the public revenues, such as is given by tax, receivable coupons is against the public policy and degrading to the state and people.

10. That no discrimination between creditors can be made or sanctioned by the state in any readjustment that may be consummated.

11. That Virginia should deal directly and frankly with her creditors, and should never place either their claims and her revenues and obligations in the hands of intermediaries who are not completely under her control and direction.

12. That all exemptions from taxation not authorized by the constitution are improvident and cannot be afforded in the present condition of the state's finances.

13. That rate of taxation is as high as can be borne, and instead of entering into an undertaking that may necessitate an increase of taxation, a diminution of the public burdens should be provided for.

14. That public free schools should be protected and sustained to the fullest extent.

15. The reform and economy should be energetically pressed in the administration of affairs in state and county.

16. That the full recognition of these principles and declarations by the people of Virginia and her creditors is absolutely essential to any amicable readjustment, and no readjustment in which they or any of them shall have been neglected can be final, certain and satisfactory.

The report was accompanied by a plan for thoroughly organizing the readjuster's party throughout the state. The report as a whole was unanimously adopted.

A Pedestrian Failure.

NEW YORK, February 25.—Miss Jennie St. Clair Boston, who, two weeks ago, undertook to walk three thousand quarter miles in three thousand quarter hours at Mozart garden, fell fainting in the dressing-room about midnight. She became hysterical and remained in that condition until this morning. She had completed 1,350 quarter miles when she was compelled to stop.

The Natchitoches Prisoners.

NEW ORLEANS, February 25.—The jury for the trial of the Natchitoches election cases was completed yesterday, and in the evidence taken to-day of the fifty-nine persons named in the indictments, fifty-four answered to their names. They are charged with the violation of the election law in conspiring to prevent certain persons from voting for the candidate of their choice for member of congress.

Fair Election.

MINNEAPOLIS, February 25.—The taking of testimony in the contested election case of Donnelly vs. Washburne, in the third Minnesota district, closed last evening. The investigation extended through forty days, and it is generally admitted to have shown the election to have been an unusually fair one, none of the charges having been sustained.

The English Strikes.

PRESTON, February 25.—The depression in the cotton trade has increased. Healy & Co. have given notice that they must stop their six hundred and eighty looms within a fortnight unless trade improves. This involves the discharge of from two to three hundred hands. All accounts agree as to the utter collapse of the strikes of the coal heavers and dock laborers at Liverpool.

More Slaughter.

Special dispatch to The Constitution.

SAN FRANCISCO, February 26.—A Portland dispatch says that thirty-six Indians, the remnant of the Bannock band raiding in Idaho last summer, have been surprised and slaughtered on the Salmon river mountains.

Italian Earthquake.

Special dispatch to The Constitution.

ROME, February 26.—Several shocks of earthquake were felt here yesterday and also at Sienna. At the latter place two churches were overthrown and two priests and several villagers killed.

Victoria's Visit.

ROME, February 25.—The Italic (newspaper) revives the report that Queen Victoria will visit the continent this spring, going first to Italy, where she will afterwards, it says, visit Coburg and Darmstadt.

Social.

Monday evening there was an elegant social affair in the breakfast-room of the Kimball house, which has just been refrescoed and finished beautifully. The invited guests were feted in the most elegant manner. The several couples of ladies and gentleman who were present enjoyed the evening very much. Mr. Scoville, the courteous proprietor, gave such attention to the affair as could not fail to make it pleasant.

NEWS AT THE CAPITOL.

THE new four per cent. bonds are expected at the treasury daily. They will probably arrive to-day. Orders for them are coming in almost daily.

THE military regulations are strictly enforced, and therefore Governor Colquitt keeps the state troops in excellent condition all the time.

VISITORS to the city are always welcome at the geological and agricultural rooms at the capitol. They will find in each a full display of the mineral and agricultural resources of the state.

MR. J. R. MURPHY, a prominent farmer who lives near Wadley, La., writes to Dr. Janes a letter on the subject of Bermuda grass which he concludes as follows: "I consider your department as doing more to enlighten the farmers of Georgia and encourage agriculture, which is really the foundation-stone of our prosperity, than any other one branch of our government, and the abolishment of that department would be inconsistent with practical sense and good statesmanship and would have a formidable barrier on our road to independence."

THE YOUNG IDEA.

A TALK WITH PROFESSOR G. J. ORR.

The Part of the South in the Great Educational Movement—The Late Convention in Washington—The Landscript Endowment—The Schools and the Punch.

A few days ago Professor Gustavus J. Orr, the state school commissioner, returned from a visit to Washington city, whither he went to attend the meeting of the department of superintendents of the National educational convention. It may not be generally known, but it is a fact that the National educational convention is divided into several departments, which meet separately from the convention and transact business of their own. There is a "department of primary instructors," and a "department of superintendents," which is made up of all the state school commissioners and the superintendents of city schools, etc. This body met in Washington on the 5th of February, and continued in session three days. A large number of the states were represented, though the south sent a rather small delegation. Only one Virginia man was present, and Professor Orr had to represent the interests of all the gulf states. It was unfortunate that at this particular time the south should not have had a fuller representation there, as there are great educational interests of this section in a precarious state, and we need all the influence at Washington that we can possibly get. It was very fortunate that we had Professor Orr there, for he is well known in Washington and enjoys peculiarly friendly relations with Mr. Eaton, the commissioner of education for the United States. On the second day

THE ATLANTA CONSTITUTION.

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The Constitution.

ATLANTA, GA., FEBRUARY 26 1879.

THERE is a terrible hiatus in our politics. The Hon. B. Pomeroy hasn't been heard from to any great extent for several months.

THE row between Burnside and Conkling should have been allowed to eliminate. When these excellent statesmen draw their razors the madding crowd should retire and allow them full swing.

THEY say Bragg, of Wisconsin, made some very witty remarks in the house the other day. We judge from the report of his speech that he levied a tax on the intellect of the stenographer.

THE country expects the democrats to stand firm in demanding the repeal of the test oath for jurors and the election laws. They are expected to take whatever responsibility may attach to the determination to right a wrong. It is a question of justice.

WHEN senators fall out, it is a great pity that they are not allowed to hit each other a few casual diffs. It would go far toward cleaning up the political atmosphere. The next time Conkling wants to shatter the elegant cheek of any of his able republican colleagues, the rules should be unanimously suspended for the purpose.

WE believe that Mrs. Felton is mistaken in attributing to Mr. Reese, of the Macon Telegraph, the intent of attacking her or her family. His paragraph alluding to the correspondence with Senator Ferry will not bear such a construction, and we are convinced that Mrs. Felton will regret that she ever penned the savage letter which we printed yesterday.

IT is largely to be regretted that old man Clapp, of the Washington Republican, was not allowed to indulge in his usual walk around upon the arrival of the Hon. Z. Chandler. The Michigan statesman, however, preferred to practice his new song and dance in the quietude of his own private apartment. This is regarded in well-informed circles as a blow at the Grant movement.

SOME of the Grant organs are exultant over the supposed absence of a John Sherman boom. The organs have no basis for any celebration. An experienced old rat like John Sherman never makes any great amount of fuss while gnawing his way into the meal tub. John is not likely to trouble the Grant men with any premature booms, but they will hear from him when the republican office-holders meet in convention for the purpose of nominating a candidate for president.

OUR esteemed contemporary, the New York Evening Post, alludes to Kellogg as though he were the only disreputable republican in the United States senate. In this our esteemed contemporary does gross injustice to several distinguished members of its widely-known party. Kellogg is merely a representative of that organization. He has been a little blundering in his methods, and he lacks the cool cunning of Chandler, Logan and Blaine, but that he is more distinguished for political dishonesty than the other republican leaders we make bold to flatly deny, albeit it is far from our intention to attempt to detract from his well-earned fame as a ripe corruptionist.

The Georgia Western.

We have been asked several times by postal card—which by the way is the most annoying method of inquiry—why we have stopped the discussion of the necessity of the Georgia Western railroad. The answer is very simple. When we opened this discussion we were informed that the section of road already graded could be bought with all its rights and privileges for a very reasonable sum. After the discussion had wound up an application was made by the friends of the enterprise to one of the owners for a written and sealed statement as to what he would take for the graded section. It was then discovered that no price could be set, as at least two of the shares were in such fix that they could not be offered for sale at any set price, or, in fact, offered for sale at all. The gentleman in question could not even guarantee that these interests could be bought at any price, or at any set time—he could only say that he would sell his one-fourth interest at a low price, and whenever the city wanted it. The initial point of the proceedings being thus blocked and complicated, it was considered best to drop the matter until something definite had been determined upon. One of the one-fourth interests of this grade will go to public sale early in April, at which time a value will probably be set on the property. Until that time we do not see what can be done. We need not say that THE CONSTITUTION has lost none of its interest in the Georgia Western railroad. We feel even more strongly than ever the absolute necessity of this road, and are more than ever convinced that Atlanta can never attain her full and complete growth until the road has been built. We shall, then, lose no opportunity of forwarding the interests of the projected road, and as soon as the troubles indicated above are cleared away we shall come to the front again with figures, facts and arguments.

Atlanta's Only Charity.

It does look strange that Atlanta, a city that raised over $8,000 for the yellow fever sufferers last summer, is about to let its only charitable institution go to ruin for the lack of a few hundred dollars. And yet such seems to be the fact.

A few years ago a few ladies and gentlemen met in James's hall for the purpose of organizing a charitable association. The meeting had been called through an impulse started by a series of articles just printed detailing the sufferings of certain poor families. There were probably twenty persons present. Mr. Campbell Wallace was made president of the new association, and in less than ten days the Benevolent home threw open its doors to the poor. Starting without a dollar of capital, without any established income, dependent on the monthly canvass of the lady managers, it nevertheless had the whole burden of the city's suffering to carry. There was no similar institution to aid it—there was no hospital to take care of the sick or wounded—everything and everybody—the victims of poverty, disease or accident were all carried to the "home;" and there was an outcry of horror if the ladies were forced to turn any one of the applicants off. Such a necessity has seldom existed. It has been the rarest occurrence that any needy or deserving person who has applied at the door of the "home" has been turned away. Nobly have the devoted and persistent ladies carried the burden of a great city's charity. They have supported, by casual and pitiful contributions, an average of 40 persons for many years; they have lifted scores of girls from disgrace and scores of children from the gutters and put them in the way of an honorable life, and besides this they have managed to pay $3,000 in actual cash on a fine building in which they have permanently located their "home." This is a record, every detail of which tells of heroism and devotion.

At last a crisis has come in the affairs of the "home." The ladies have about exhausted their efforts to raise the money yet due on the building. They still owe about $1,700, which balance is nearly due. A movement is on foot to raise this balance, pay off the entire debt and place the "home" beyond a peradventure. The subscription list has already been started and nearly $1,000 has been subscribed. It is headed by P. & G.T. Dodd & Co., and Major Campbell Wallace with $100 each, by Langston & Crane and Cox, Hill & Thompson for $50 each, by D. H. Dougherty, Mr. John Loyd, Scoville, Selden & Co. for $25 each, and by scores of excellent gentlemen for smaller amounts. Less than 100 of the business and professional men and capitalists of Atlanta have their names on this list. Will the others do nothing? Will the others not subscribe anything? Will the others not contribute to make up the $1,000 that is needed? With this debt paid off, and the deeds of the "home" in the hands of Mr. David Mayer, treasurer, the ladies will be able to very much enlarge their usefulness and to maintain their institution with little trouble.

There is no reason that avarice can suggest or surliness justify why any man who is able to spare a dollar should not contribute to this enterprise. It has been most admirably managed. Not a dollar of its funds has been misapplied. It is a catholic, liberal, unsectarian institution with its charity as wide as the world. It is in the hands of the very best ladies of the city. It supported forty-four inmates last month on a total expense of $49—a record of economy that is simply pathetic. And after all, it is something of a disgrace to Atlanta that this is the only maintained charity of the great city of Atlanta. To let it die would be an ineffable stain upon our humanity. We understand that the list will be handed to the people of our city to-day and to-morrow. We feel sure that no one will fail to subscribe. Let the whole amount needed be raised at once, and let the ladies feel that the true men of Atlanta are holding up their hands.

The Nationals in Congress.

If outgivings from Washington are correct, the greenbackers who call themselves nationals, and who believe that nothing short of the demoralization and disorganization of the democratic party will give them success, are likely to make matters rather lively in the next house. Murch, of Maine, and De La Matyr, of Indiana, seem to be regarded as the leaders of the nationals in congress, and if they receive the solid support of the members whose names are down upon their lists, they certainly hold the balance of power and have the means of largely influencing future legislation in the lower house of congress. It is very evident that the leaders of this new and comparatively small party have great confidence in their present power as well as their future prospects. They have already established headquarters at the Metropolitan hotel in Washington, where several members have already reported. The leaders claim that they not only have sixteen members of congress pledged to act with the nationals, but they are sure of nineteen and expect the active sympathy and support of twenty-one. The list of those said to be pledged is as follows: Rev. Gilbert De La Matyr, Indiana; F. H. Murch, Maine; Nicholas Ford, Missouri; General J. B. Weaver, Iowa; E. H. Gillette, Iowa; Albert P. Forsyth, Illinois; Bradley Barlow, Vermont; Wm. M. Lowe, Alabama; Seth W. Slocum, Pennsylvania; Daniel L. Russell, North Carolina; George W. Jones, Texas; G. W. Ladd, Maine; James W. Singleton, Illinois; A. E. Stephenson, Illinois; Emory Speer, Georgia, and Henry Persons, Georgia. This makes a total of sixteen, who, it is claimed at the headquarters, are pledged to act together as greenbackers, besides several members of the present house, who, it is said, will act with the nationals, but don't want it known at present. This latter list doubtless includes Kelley and Wright, of Pennsylvania, and Felton, of Georgia, who, it is hinted from Washington, are almost certain to act with the nationals.

We are inclined to believe that the nationals are taking too much for granted. Their enthusiasm is exuberant, but it is probably premature. Indeed, we believe they are devoting their energies to the impossible task of attempting to build up a party for which no exigency calls and for which no necessity exists. We are of the opinion, also, that they are claiming too much when they include the names of Henry Persons and Emory Speer, of Georgia, in the list of those said to be pledged to the nationals. We are disposed to believe, moreover, that they are tampering with a very improbable possibility in depending upon Dr. Felton to aid them. It may be that the nationals are not claiming too much, but our opinion is that events will justify our doubts. In the first place, Henry Persons was not elected to congress even as an independent. The district convention failed to agree upon a candidate, the question was remitted to the people and Henry Persons was elected. He is an organized democrat, is uncomprising in his devotion to democratic principles, and will make a brilliant record as a democratic congressman. He is a greenbacker only to the extent that an overwhelming majority of southern democrats are greenbackers, and to that extent only. His campaign was made with that understanding, and it is well known that he is not in favor of any greenback organization outside the democratic party.

What has been said of Mr. Persons may also be said of Emory Speer, with the exception that Mr. Speer was an open and avowed opponent of party organization in the ninth district. He went before the people as a reformer, not of the democracy, but of the party organization of the ninth district. This he declared upon every proper occasion, and he never lost an opportunity of avowing his devotion to the democratic party. In measures not affecting the attitude of the democracy toward the republican party, Mr. Speer may find it convenient as well as congenial to cast his vote with De La Matyr's raw recruits, just as any other democrat might very properly do, but we are convinced that whenever the programme of the nationals comes in conflict with the policy of the democrats in congress, Mr. Speer will be found voting as his constituents would have him vote.

As to Dr. Felton, it is not venturing too much to say that his course in congress in the past is sufficient to justify the expectation that he will continue to act with the democrats. If he does not, he will certainly disappoint those democrats who stood by him so faithfully and so persistently during the last campaign. The statement recently made upon what must be taken as good authority, that direct application was made to republican leaders to aid him in defeating Judge Lester, is a little staggering, to be sure—but it should not be forgotten that Dr. Felton, and those authorized to speak for him, avowed, with strenuous and emphatic anxiety, that his democracy was not to be questioned.

Upon the whole, the nationals will find, when they come to the test, that democratic policy and democratic principles are much more pressing and much more inviting, and that the success of these is much more important at this juncture than any Quixotic attempt to build up a new party that the exigencies of the times do not demand. So far as reforming our financial legislation is concerned, the nationals will discover that they do not need to establish "headquarters" to gain the sympathy and aid of a majority of the democrats.

The Color Line in Public Schools.

Judge W. B. Woods, in the United States circuit court for the district of Louisiana, has just rendered a most interesting and important decision with respect to the power of states under the fourteenth amendment to the constitution, to establish separate schools for white and black. The bill which called forth this decision was filed against the board of directors of city schools of the city of New Orleans, a corporation created by the state of Louisiana, William O. Rogers, chief superintendent of the public schools of New Orleans, and George H. Gordon, principal teacher of the school known as the Fillmore school, in the third district of the city of New Orleans. The bill averred in substance that the complainant was a person of African descent, the father of two legitimate male children, aged respectively nine and seven years; that about November 13, 1877, complainant applied to defendant, Gordon, the principal teacher of said school, to admit the complainant's said children as pupils therein, which he declined to do on the ground that they were of African descent, and alleging that his instructions from defendant, William O. Rogers, chief superintendent of public schools, forbade him to receive children of African descent into said school; that on July 3, 1877, the defendants, "the board of directors of city schools," adopted and published a preamble and resolution to the effect that to give the best education possible within the means at its disposal, to the whole population, without regard to race, color or previous condition, the board is assured that this end can be best attained by educating the different races in separate schools.

The bill claimed that this preamble and resolution were in violation of the second clause of section 1 of article 14 of the amendments to the constitution of the United States; and further charged that the said preamble and resolution were in violation of article 135 of the constitution of the state of Louisiana, which declares: "The general assembly shall establish at least one free public school in each parish throughout the state, and shall provide for its support by taxation or otherwise. All the children of this state between the ages of six and twenty-one shall be admitted to the public schools or other institutions of learning sustained or established by the state in common without distinction of race, color or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the state of Louisiana."

The bill further charged that said action of the board of directors of the city schools and of the other defendants subjected the complainant to the deprivation of his right as a citizen of the United States and of the state of Louisiana, of having his children schooled and educated in and at said public school, which was established and sustained by the state of Louisiana, and in which schoolable children of white parents were admitted and educated, and degraded him and his family by the denial of their equality in the public schools with children of other citizens of the state.

The prayer of the bill was for a decree declaring the preamble and resolution above recited, and the actions and doings of said defendants above set forth, to be in violation of the constitution and laws of the United States, and that said defendants be enjoined and prohibited from enforcing said preamble and resolution, or any other ordinance to the same effect, and that defendants be required to admit the said children of complainant to said school, or any other public school sustained or established by and under the constitution and laws of the state of Louisiana, as pupils, to be educated therein just as the children of white parents are admitted and educated therein.

To this bill the defendants filed a demurrer, on the ground that it contained no matter of equity whereof the court could take jurisdiction under the constitution and laws of the United States, or whereon the court could ground any decree or give complainant any relief against the defendants. The decision of Judge Woods is so important that we append it in full:

There is no complaint in the bill that complainant's children are excluded from the public schools of the state on account of their race and color or for any other reason. Nor is there any averment that the public schools which are open to complainant's children are in any respect whatever inferior to the schools where the children of the white race are educated.

The grievance, and the sole grievance, set out in the bill is that complainant's children, being of African descent, are not allowed to attend the same public schools as those in which children of white parentage are educated.

Is this a deprivation of a right granted by the constitution of the United States? The complainant says that the action of the defendants deprives him and his children of the equal protection of the laws, and therefore impairs a right granted to him and them by the fourteenth amendment to the constitution of the United States.

Is there any denial of equal rights in the resolution of the board of directors of the city schools or in the action of the subordinate officers of the schools as set out in the bill? Both races are treated precisely alike. White children and colored children are compelled to attend different schools. That is all. The state, while conceding equal privileges and advantages to both races, has the right to manage its schools in the manner which in its judgment will best promote the interest of all.

The state may be of opinion that it is better to educate the sexes separately, and therefore establishes schools in which the children of different sexes are educated apart. By such a policy can it be said that the equal rights of either sex are invaded? Equality of right does not involve the necessity of educating children of both sexes, or children without regard to their attainments or age in the same school. Any classification which presumes substantially equally school advantages does not impair any rights and is not prohibited by the constitution of the United States. Equality of rights does not necessarily imply indentity of rights.

These views have been held by the supreme court of Ohio—in respect to a law under which colored children were not admitted as a matter of right to the schools for white children.

State vs. McCann et als., 21 Ohio state 198. See also state vs. Duffy, 7 Nev. 341, and People vs Gaston, 13 Abb. (N. Y.) 160, where substantially the same doctrine is held. See also the able concurring opinion of Mr. Justice Clifford in Hall vs De Cuir, 95 U. S. 491.

In the state of Georgia there is a law forbidding the intermarriage of white persons and persons of African descent.

It was held by Mr. Justice Erskine, of the United States court, that this law was not obnoxious to the fourteenth amendment to the constitution.

Ex rel. Hobbs and Johnson, 1 Woods 537.

The argument in support of this decision is that the law applies with equal force to persons of both races. Its prohibition applies alike to black and white, and the penalty for disobedience falls with equal severity on both.

These authorities, it seems to me, fully sustain the views above announced by this court.

But complainant's argument is that by the constitution of the state of Louisiana separate schools for white and colored children are prohibited, that the actions and doings of the defendants set out in the bill are in violation of the plaintiff's rights under the constitution of the state, and is a denial to plaintiff of the equal protection of the laws of the state, and that the board of the city schools and the other defendants in the bill in this matter represent the state; that their acts are the acts of the state, and consequently that the clause of the fourteenth amendment to the constitution of the United States which declares "No state shall deny to any person within its jurisdiction the equal protection of the laws," applies to this case.

Whether the board of directors of city schools, Rogers, the chief superintendent of such schools, and Gordon, the principal of the Fillmore school, are the state of Louisiana, or represent the state of Louisiana so that their acts are to be considered the acts of the state, it is unnecessary now to decide. Conceding for the present that their acts are the acts of the state, does it follow that this court can take cognizance of their doings under that clause of the constitution relied on?

If I am not in error in holding that the requiring of white and colored children to attend separate schools, even when such schools are supported at the public cost, does not deprive either class of their equal rights, it would follow that as between citizens of the same state this court has no jurisdiction of the case presented by the bill.

If I am right in the view presented the claim of complainant amounts to this, that this court, without regard to the citizenship of the parties, has authority to inquire into every violation of a state law or state constitution by the officers of the state.

This court does not sit to supervise the conduct of state officers unless it impairs some right granted by the constitution of the United States, or unless the citizenship of the parties to the suit gives the court jurisdiction. Generally we are authorized to enforce or administer the state laws only when there is a controversy between citizens of different states.

As the bill does not present the case of an impairment of a right granted by the constitution of the United States, and as all the parties to it are citizens of the state of Louisiana, it does not present any case of which this court can take jurisdiction. The demurrer must therefore be maintained.

If the judges continue to disregard the "results of the war" in this fashion, the average stalwart may well ask himself what the new amendments to the constitution are good for; and it must be particularly galling to the two Tribunes—respectively of New York and Chicago—to see their fine-spun theories about the "nation" so coolly disposed of by the judiciaro, from the chief justice down.

THE editor of the New York Tribune shakes the dew from his ambrosial curls, and remarks in a casual way that it was not a war between the states. The states will please take notice and govern themselves accordingly.

ACCORDING to Burnside, Conkling is a liar. It is understood, however, that Conkling denies this; so that between the two we shall probably never get at the truth of the matter.

POSTSCRIPT.

THE "Marble 'Art" is not Mr. Tilden's favorite play, we may remark.

THE reception of Grant at Allahabad was quite in keeping. He is a bad man!

JACK WHARTON is envious of Jim Anderson and St. Martin. He swears as recklessly as a Bob Ingersoll believer.

THE body of Bayard Taylor is on its way to this country. It will be received with great honors in New York.

THE administration ought not to go back on itself. If it recalls Hilliard it will rob itself of the esteem of the country's well-wishers.

ZACH. CHANDLER has crossed the Rubicund, and his nose now shows the royal purple of the Grant movement.

THE postage bills of the Cincinnati Commercial have fallen so low that Halstead has been enabled to buy out the whole concern.

KEY wants to be minister to Berlin. If there is any other little job he wants, let him speak up. There is no need to be bashful.

MINISTER WELSH says he can't live in London upon his salary. Why don't the old slave-driver resign then, and come decently home.

MUCH time and expense would be saved by electing an obituary poet to congress. We nominate G. W. C., A. M.

AS THE Georgia farmers have vanquished the guano men, suppose they put out a little more muscle and vanquish the guano.

SOME thieves tried to steal Modjeska's diamonds in Louisville, but she frustrated them. They wanted her bonanza and not her Bozenta.

ONE week more and our congressmen will return to the bosom of their constituents. Garden seeds are non est, but patents office reports will follow on the next train.

SINCE General Sherman wrote his letter about Georgia, the stalwart writers have been trying to find out what the balance of the country is good for.

STILSON HUTCHINS no longer invites Simonton to his Saturday night symposia. He is preparing, however, to give him a horse-pistol duet.

THE geological bureau is a piece of furniture the state can ill afford to lose. The July session ought to look to it promptly and satisfactorily.

IF Louisiana can only get a new and solid constitution she may yet find other flesh than her own with which to feed her sons—and her creditors.

JOAQUIN MILLER'S next play will be called "Oregon," and introduce Chief Joseph, O. O. Howard, a long-haired sutler and other startling characters.

A CHROMO representing Conkling being searched for his "influence" by a New York custom-house officer would find ready sale just now.

SINCE Mobile gave up her municipal organization, she is officially designated as the Port of Mobile. After awhile it is hoped she will be the ex-port of Mobile.

IT is stated that two hundred doctors graduated the other day, but there is an omission in not telling how many undertakers' apprentices became journeymen the same day.

AN excursion of Georgia and North Carolina railroad presidents has gone to Baltimore to establish a through freight route from Baltimore to Augusta, via Charlotte.

THE Savannah Times says: "General A. R. Lawton has purchased the McConnell residence in Atlanta, and will have it fixed up for his summer residence. Well, Atlanta is a right nice little summer resort, any how."

A MAJOR SILL is lecturing in Rochester upon his experiences in rebel prisons, and boasts that he was put in range of Gilmore's guns at Charleston. That is probably the only time he was in harm's way during the war.

IN GENERAL.

—Tennyson loves English farm life in its most practical ways.

—Paul H. Hayne has been added to the editorial staff of the South-Atlantic.

—Brigham Young's son John has married wife number four.

—Sixty years ago, February 21, the first American locomotive was run.

—The clover leaf design expresses the style of the new dinner card.

—In Scotland the trade of whisky-making is increasing.

—At Lyons, France, a book has been woven in silk, letterpress and all.

—"Beer may not make you fat, but an overdose will make you lean—up against something."—Murphy.

—The fashionable wedding-ring is a plain gold band with a diamond deeply imbedded in it.

—Next month Queen Victoria will become a great-grandmother before she is sixty years of age.

—Hayes is accused of writing a letter in January, 1861, in which he despaired of the republic.

—New York Herald: "In New Jersey it costs more to hang a man than you could buy fifty voters for."

—Hereafter every loaf of bread sold in Cincinnati must have its weight stamped upon it.

—For $16,000 Anna D. is to play in San Francisco and lecture in lots of places out west.

—Mary Anderson is besought by an admirer to never wear a bushy blonde wig again.

—The electric light has proved a failure in the great London fish-market at Billingsgate.

—It is said that Secretary Evarts gives better dinners than any others of the Washingtonians.

—The Utica Observer paragrapher turns his thoughts back to his childhood days, and then sadly remarks that murder, like the knees of a boy's pants, will out.

—The Albany Evening Journal says: "A Trojan toper will undertake the feat of accomplishing 1,000 smiles in 1,000 hours. 'Hours' is probably a misprint for 'sours.'"

—Both Beecher and Bowen have refused to act as executors of Miranda Wood's will, who left $4,000 to found a colored womens' seminary.

—The New York Mercury has been taking a census of the rat population of that city, and sets it down at three hundred millions.

—Scotchmen with 12,000 miles of herring nets catch every year 843,250,000 herrings, while the gannet birds take 1,110,000 and the codfish eat 20,400,000,000.

—Mrs. Southworth has made herself rich by writing novels. If she had told nothing but the truth she would have to pawn her ulster to raise the price of a beer.

—Dakota territory has a new town called Eden. There being a great absence of woman in Dakota, perhaps the name is safe enough for the present.

—Grace Greenwood says, "a little marriage is a dangerous thing." Just so. But isn't too much marriage open to the same objection?

—The New York Herald discovers that temperance drinks are adulterated as much as the other kind, and furthermore that they are preposterously dear.

—The old American Bible society have decided that King James was infallible, and they are going to stick to his version of the Scriptures, typographical errors and all.

—It is stated that Mrs. Thurman did not call on the wife of Senator Bruce, as reported. The correction is made at Judge Thurman's request.

—The largest number of notes ever paid into the bank of England in one day was $2,000, and this was done one day last month.

—Toledo Blade: With eggs at thirty-three cents a dozen, three hens who attend to their business can now earn more a day than a man can, and not be eight hours about it, either.

—Mrs. Smith, of Jersey City, who killed Mr. Smith for love of another man, is believed by the Philadelphia Bulletin to have a character made up of equal parts of ferocity and Jennie rosity.

—A man never realizes the beauties of this world till he drops two square inches of thoroughly buttered toast on the polished side of a newly laundried shirt bosom.

—Bishop Foley's last words were to Vicar-General McMullen: "I appoint you administrator. I have tried to do my duty. I bow to the will of God." He bequeaths his scanty personal property to his successor.

—A bolling manufacturer of valentines states that the verses on the cheaper sort are ground out by one of his workmen, but those on the more pretentious are worked over from the productions of poets of more or less note.

—There is food for solemn thought in a recent report of the financial condition of the country. The writer announced that in the market money was close, but not close enough to reach. Alas! so near, and yet so far!—N. Y. Herald.

—By the terms of the will of Patty C. Baker, of Foxboro, filed at Dedham, she directs that "all of the property be given to two unmarried sisters, and in case of their death the property is to be given to the surviving one."

—One of the brightest little sons residing on James-street hill saw his father fixing the billiard table with a spirit level. After the old man had finished the job he remarked: "Now, pa, see if my head's level."—Syracuse Standard.

—Boston clergymen of various denominations have united in asking for legislation against church lotteries. The plan of taxing the property of such churches as raise money by schemes of chance meets with favor.

—Somebody writes a letter to a United States senator, which the Irish World publishes, that ends this way: "Anyhow, as an American statesman, it is not your place to mention race or creed or color in addressing your fellow-citizens."

—A newspaper correspondent tells of a Boston school-girl of thirteen years of age, who, with her strap of school-books on her arm, sat reading in the horse-car a book called the "Demon Bride, or Wedded to her Doom." It had this touching motto: "Has thou suffered? If not, this book is not for thee."

—A school-girl of tender years thus writes to a bosom friend: "Dear Susa—I shan't attend school again until I Get some new cuffs, collars and Jewelry—dear Mama agrees with me that it is my Dooty to take the shine of that Upstart Mary Jones, and I'll do it if I never learn nothing."

—An epitaph can easily be made to suggest the domestic history of many years. For instance:
Sacred to the memory of Anthony Drake,
Who died for peace and quietness' sake;
His wife was constantly scolding and scoffin',
So he sought for repose in a twelve-dollar coffin.

—Falling on the ice, legally speaking, is a voluntary act indeed.—Toledo Commercial. There is no law about falling on ice except when it's a girl, then it's "O, law," and there's where the legality comes out that Eichelberger's stocking about.—Keokuk Constitution.

—"What does your husband do?" asked the census man. "He ain't doin' nothing at this time of the year," replied the young wife. "Is he a pauper?" asked the census man. She blushed scarlet to the ears. "Law, no!" she exclaimed, somewhat indignantly. "We ain't been married morn'n six weeks."—Burdette.

—The latest novelty in the way of Pullman cars is that of "palace hunting cars," four of which are about to be built. They are intended for the accommodation of parties of hunters who want to go west for game, and they will contain sleeping apartments, a cook room, a smoking room, a kennel for hunting dogs, and a place in which to store game and guns.

—An eminent clergyman once said that he had found it easier to live upon a small salary than a large one, because his enlarged expense has thrown him off his balance. The clerk who accommodates himself to $1,000 a year and makes it supply all his needs is likely to overlive his income when he is promoted to $1,200.

—The women of Massachusetts are competent to take a philosophic view of the most perplexed problems. When one of them was informed that there were more women than men in the state she at once replied that the fact was in accordance with the scientific doctrine of the "survival of the fittest."

—M. Jacob, a clever Paris detective, said that he could always recognize a man, no matter what were his disguise, simply by the expression of his eyes. On one occasion, on a bet, he went to the jail of La Roquette, and from five hundred or more convicts a dozen were paraded in coverlets and hoods, so that only their eyes could be seen. He named each one as he passed.

—A young negro woman in New Orleans has phenomenally big and ill-shaped feet. She was induced by a photographer to sit for a portrait, and, after several trials, he gave her a picture that she carried away with delight. A few days later she ascertained his real motive, for she saw a life-sized view of her feet displayed for sale in the stores. She has instituted a suit for damages.

—The speculation for a rise in wheat has made fair progress in the past week, notwithstanding the adverse position of American statistics. The visible supply in the markets of the north and west reaches the large aggregate of 20,737,000 bushels, against 9,285,500 bushels at this date last year. Receipts at the principal western markets since August 1 last amount to 64,800,000 bushels against 51,500,000 for the corresponding period last season; but since the beginning of the new year the increase is but slight, and the latest report shows a decrease. There is no appearance of a falling off in the demand from Europe.

—Prince Bismarck is a great eater, but he cannot be called a delicate or scientific diner. Beer, champagne, turtle soup, boar's head, and a mess of mustard and raspberry jelly formed only a part of a repast in a day when he was recovering from a slight illness. He could, at one time, dispose of eleven hard boiled eggs at one sitting. He is fond of middle sized trout. Besides his favorite drink—porter mixed with champagne—he strongly recommends another compound, said to be the invention of Field Marshal Moltke, consisting of hot tea, sherry and champagne. He enjoys good mutton, but he has little appetite for filets of beef or beef in general.

A Happy Thought.

Brunswick Appeal.

General Sherman, in answer to the letter of Evan P. Howell, editor of THE CONSTITUTION, published on our first page, has in terse and emphatic language described this section and the advantages it offers to emigrants. That letter will do more to direct the attention of the large class always dissatisfied with their present location that any other thing. The large class seeking a milder climate, and that class of capitalists anxious for change of investment toward Georgia, though the utterances of the past thirteen years. It comes from a man who has labored in Georgia in the infancy of her material progress in the throes of a great civil war, in the era of recuperation and growth succeeding that war, who is not given to over state-ment. A many-sided, large-brained man, as successful in the past in the arts of peace as in war; and it will be read by hundreds of thousands of intelligent people, stimulate the personal inquiry and turn emigration to our borders, if we only will it and adopt a wise policy to that end. It was a happy thought of Mr. Howell to elicit this letter; it was a graceful act to write it, and Mr. Howell deserves well of Georgia and Georgians for the part he has taken. We receive weekly letters from the northwestern states seeking information in relation to the state, its resources, the price of its lands, etc.

Education in the South.

Boston Post.

George Alfred Townsend speaks of illiteracy as demoniac yet, and says "the census of 1880 will still serve as an indication of the degree of illiteracy in our states." It may possibly serve as an indication, but we shall be left considerably astray if we take it as an accurate gauge. There may not have been any great change relatively in the north, but in the south the states that have been redeemed from carpet-bag domination have advanced educational percentages very materially, and Georgia, which was early disenthralled, shows gratifying progress. When the ballots were putting all the school moneys into their own pockets education was naturally left in the background.

The Rag-Tag and Bob-Tail.

Philadelphia Times.

In Washington there is a crowd of lazzaroni always ready to follow a brass band or swarm around a free lunch table. The streets swarm with American citizens of "African descent who have no visible means of support and would not avail themselves of any such means if they had. Just now this riff-raff is being turned to good account by the would-be managers of the Grant movement, whose pleasure it is to keep the movement booming at the national capital for effect upon the nation at large. Such a crowd was marshaled night before last, rag-tag and bob-tail, to welcome John A. Logan back to Washington.

A Monumental Fraud.

Philadelphia Times.

By the mouths of three or four more witnesses, republicans too, it is established that old Wells, of the Louisiana returning board, tried his best to sell out to Tilden. Failing in that rebel Wharton believed it, so did Governor Packard, so did Chairman Jewett, and so on. But all this amounts to nothing against the opinion of the New York Tribune, which is that it is "highly improbable" that the returning boards were corrupt.

Joined His Friends.

Gainesville Southron.

There are a great many papers throughout the country just now talking about the negro in politics, what his status is, and all that kind of stuff. Why, bless your souls, gentlemen, the negro has gone out of politics and joined his friends, the great original democratic party of the United States. We consider the party of the future.

Speaking Without Knowledge.

Rome Courier.

A few who formerly acted with the democracy are constantly denouncing that party as a set of corruptionists. What it may have been while they acted with the party is for them to say, but they speak without a knowledge of all the facts since they have abandoned it. They are not aware of the great improvement since they left.

A Modern Nuisance.

New York Sun.

It cost Jonathan Tremaine Wells, the rich and eccentric Wall Street straw merchant, several thousands of dollars to prove that he is not a lunatic. The late Thomas Lord proved that he was not a lunatic, but he had to stretch his property to get the benefit of his children. To have too much money and too many relatives is a nuisance.

A Word With a Moribund Manikin.

New York World.

That moribund statesmanikin, Mr. Hale, wants the use of tissue-paper ballots prohibited. Mr. Hale should have come to the front when the "little jokers" were employed in Florida in 1876. Or he could have coupled with his abortive amendment a vote of censure upon Mr. Hayes for rewarding with offices the Florida republicans who used them.

Sensitive Republicans.

Detroit Free Press.

The wickedness of the democratic majority in the house of representatives in attaching measures that they wish to carry to appropriation bills is simply shocking to the republican mind. But for a republican senate to attach a Brazilian subsidy to an appropriation bill is all right. Such is partisanship.

The D. of the N.

Madison (Wis.) Journal, rep.

It seems certain that the democracy of the nation is in this dilemma: Nominate Mr. Tilden and the slightest thing that now adheres to him or lose New York; lose New York and you lose the presidency. With him you may succeed; without him you cannot.

The Cunning Rascals!

Hartford Times.

Senators Blaine and Conkling are playing out their best games for the presidency. Both have declared in favor of the nomination of Grant. But each means to secure Grant's forces in the convention and take the nomination for himself.

The Regrets of Colonel J. Iscariot.

St. Louis Post and Dispatch.

The spectacle of Chandler assuming an air of virtuous indignation over General Barlow's wickedness is calculated to make Judas Iscariot regret that he did not live to run for congress in New Hampshire.

Congressional Slim Milk.

Boston Transcript.

The average congressman's mind is like a pan of milk in unsteady hands. To prevent slopping over on one side, the canted vessel empties itself on the opposite side.

The Side-whiskered Brave.

New Haven Register.

John Logan, says the Erie Dispatch, will be the only one soldier in the senate. Is the side-whiskered brave from Rhode Island going to resign?

Coming into Favor.

Boston Post.

Wisconsin has adopted the whipping-post and Missouri is thinking about it. Old-fashioned penalties, like old-fashioned bonnets, seem to be coming into favor again.

Picking out Their Plunder.

Philadelphia Chronicle-Herald.

The Grant movement is booming so strong that Secor Robeson's friends have picked out the navy yard each intends to steal.

A Comparison.

Courier-Journal.

There has not been as much lawlessness in all the southern states in five years as there has been in Pennsylvania in a single year.

The Occasion of the Detention.

Philadelphia Times.

The trial of Daniel A. Chamberlain for his crimes in South Carolina seems to have been delayed by the accident to Wade Hampton's leg.

Suggestive.

Griffin Sun.

The Gainesville Southron, in an article on the subject of General Toombs for governor, spells God with a little g. This is suggestive.

Babcock, the Bullet-Headed.

New Haven Register.

The bullet-headed Babcock must rejoice at the brightening of the skies in his direction.

Cutting Off the Resources of Profanity.

New Orleans Picayune.

The repeal of the test oath gives one thing the less to swear about.

A Salty Inquiry.

New York Herald.

Why should the people be taxed for the benefit of John Roach?

AUCTIONS AND SALES.

G. W. ADAIR.....Auctioneer.

Hotchkiss Property.

I WILL SELL AT THE CITY HALL, ON Tuesday, the 4th March (sale day) for Mrs. Hotchkiss, with approved titles, free from all incumbrances, one Lot, 50x200, fronting on Rawson street, between Washington and Crew, upon which is a 5 room house, well of water, etc., and adjoining the above another Lot, 50x200, with 5 room House and 1 room Kitchen; House has two garret rooms besides the 5 rooms below. These lots are north of and adjoining Crew Street School lot.

Also, one Lot, 68x100, on the corner of Elliott and Hunter streets, with 6 room House, well, etc. Adjoining the above on the east and fronting on Hunter street, one Lot, 50x68, with 2 room House, and east of this lot and fronting on Hunter street, one lot, 99x68, with a 4 room House upon it. This property is opposite Central Railroad Shop lot, and west of Mineral Springs property.

Bargains may be had, as this property is sold to meet a pressing money obligation.

Terms—Half cash; 12 and 18 months, 7 per cent. interest. G. W. ADAIR.

420 feb23 dt marchl

River Brick Pavements.

I WILL PUT DOWN RIVER BRICK PAVEments at fifty cents per square yard or deliver the Brick on the ground at $9.00 per thousand. The river brick paving lasts about five times as long as the city brick, and is but a trifle dearer. A note left at my office will receive prompt attention. B. H. BROOMHEAD, Adm'r,
No. 61 Bro

ROUNDABOUT IN GEORGIA.

—Rev. William M. Clark, of Monroe county, is dead.

—Griffin has flushed a white partridge, caught by Mr. J. B. Carson.

—Macon and Columbus have both had incendiary fires.

—Little Marion D'Antignac Withers, of Augusta, is dead.

—Dr. Shaw, the able professor of the horticultural chair, is in Columbus.

—Cartersville seems to be in earnest about the railroad connection with Dahlonega.

—The business men of Augusta seem to be opposed to the renomination of Mr. Tilden.

—The journeymen tailors of Macon struck on Monday for higher wages, and their wages were compelled to give in.

—Willie, a ten-year-old daughter of Mr. A. Reid, of Macon, was accidentally burned to death last Saturday.

—"A few thousand dollars," says the Macon Telegraph, "is no great strain on a concern like ours. We have money to sell."

—A Macon man dropped his pistol the other day and shot his washerwoman in the jaw. This looks like fate.

—Columbus boy shot himself in the hand while out gunning the other day. We may expect accidents as long as bobbies are allowed to arm themselves and go out hobnobbing with jay-birds and crows.

—The season is rapidly approaching when Bill Gorman will impart briskness to the fruit trade of Macon and Columbus by inviting his friends with oranges supposing his have grown in his alleged grove in Florida. He said four or five years ago he was going to send us a box and he did.*

—Mr. B. H. Richardson is announced as the editor of the Savannah Sunday Telegram. The Telegram is one of the sprightliest and most entertaining of the Sunday papers, and since its establishment, under the present management of the genial gentleman who is better known as the city editor of the Savannah News.

—The Macon Evening Ledger has disappeared beneath the waves of the sea of journalism, Colonel Thornton was present upon the occasion, and is said to have betrayed no emotion whatever. The Ledger will hereafter be printed as a Sunday paper, and its publishers promise to make it strong in all and generally sparkling. We trust they will have success.

—Death killed the Macon Ledger was advised of. We knew it from the beginning. The poor thing is flooded with it. It is in debt, men are full of it, and it produces children not a year old. Especially the subject of newspapers. We never in Macon one Sunday, and if there was a human being in the town who didn't know how to run a newspaper, he was a mud-bath under the bridge. Jim Jemison. He is the only man we found in Macon who is willing to say that he is not capable of running a dress and a tri-weekly saw-mill.*

—Cedartown Standard: Last week we stated that the Atlanta newspaper fued because it stated that the people of Georgia were so hard up they could not buy eggs at ten cents a dozen. It has since occurred to us that the current fuss between a Coweta man and a woman—yes, and a Coweta woman, at that.

—Griffin News: In the superior court of this county, now in session, there will be a case, the noted Rutland will case of Rix Rutland, a very wealthy old man some time last year, and in his last will and testament Bequeathed his property to the children of Mr. Thomas Rutland. The children were not of kin of the testator, and accordingly were entitled to break his will. It will be an interesting case, as about twenty or thirty thousand dollars is said to be involved. But the conclusion of the case we will be glad to give the particulars as proven on the trial.

—Cartersville Southron: Our Atlanta exchanges are not again on the question of building the Georgia Western railroad. Gentlemen, "whoop her up," keep pushing and our word for it, in fifteen months the trains will be humming along over the rails and bring millions of trade and profit to your enterprising town from Alabama and in time from Missouri, Iowa and Illinois. If Stephens county boys will put their p's and q's in their "ups" never be afraid to say the road will be returned to time.

—Macon Telegraph: Mrs. Humber, wife of Mr. Hamp Humber, that gentleman who a few days ago killed Mr. L. M. Roberson, of Crawford county, has been arrested on a charge of being accessory before the fact to the killing. In the eyes of the law an accessory before the fact is as guilty as the principal, and as the charge is for the murder of Roberson, bail was inadmissible in the case of Mrs. Humber. General Anderson of Pike Valley, uncle of the lady, has, we have been sworn in as a special deputy sheriff, and has been placed in his custody at his home in that place.

—Augusta Evening Sentinel: Dr. A. W. Calhoun and lady, of Atlanta, are in the city on a visit to Leonard Phinizy, Esq., Mrs. Calhoun's brother. Their numerous friends in Augusta are delighted to see them, and are trying to prevail upon them to remain among us. Dr. Calhoun is one of the finest oculists in the country, and has made by his skill and liberal practice a reputation which is higher than mediocrity and nobler than all attainment. We trust that he will visit Augusta often.

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—Macon

COTTON AND WEATHER.

COTTON, middling uplands, closed in Liverpool yesterday at 5⅝; in New York at 9¼c; in Atlanta at 8¼c.

The Signal Service Bureau report indicates for to-day, in Georgia, partly cloudy weather, southerly winds shifting to westerly and northwesterly, stationary or slowly falling barometer, with slight changes in temperature, probably followed by rising barometer and lower temperature.

Daily Weather Report.

OBSERVER'S OFFICE, SIGNAL CORPS, U. S. A., KIMBALL HOUSE, February 25, 10:31 P. M.

[All observations taken at the same moment of actual time.]

NAME OF STATION.	Barometer.	Thermometer.	Humidity Per ct	WIND. Direction.	WIND. Force.	Rainfall.	Weather
Atlanta	29.83	60	55	S.	Fresh	.00	Clear.
Augusta	29.97	58	47	S. W.	Gent.	.00	Clear.
Savannah	30.02	60	77	S.	Fresh	.00	Clear.
Key West	30.02	70	70	E.	Fresh	.00	Clear.
Galveston	29.78	65	94	S.	Fresh	.00	Thr'tn
Indianola	29.75	67	89	S.	Brisk	.00	Clear.
Corsicana	29.92	54	48	N.	High.	.00	Clear.
New Orleans	29.85	64	76	S.	Fresh	.00	Clear.
Mobile	29.90	59	94	S.	Fresh	.00	Clear.
Montgomery	29.91	60	76	S.	Fresh	.00	Clear.

Local Weather Report.

ATLANTA, GA., February 25, 1879.

Time.	Barometer.	Thermometer.	Humidity.	WIND. Direction.	WIND. Force.	Rainfall.	WEATHER.
7 a. m	29.91	49	77	S.	Fresh.	.00	Clear.
11 31	29.83	64	38	S.	Brisk.	.00	Clear.
2 p. m.	29.80	66	39	S.	Brisk.	.00	Clear.
4:06	29.77	67	33	S.	Brisk.	.00	Clear.
9 p. m.	29.82	60	55	S.	Fresh.	.00	Clear.
10:31	29.83	60	55	S.	Fresh.	.00	Clear.

Mean daily bar.....29.85 | Maximum ther.....68
Mean daily ther.....58.5 | Minimum ther.....47
Mean daily humid.....59.00 | Total rainfall.....00

H. HALL,
Corporal Signal Corps, U. S. A.

PREFERRED LOCALS.

James Ormond's Paper Mills,
Office 43 Broad Street,
ATLANTA, GEORGIA.
For specimen of News see DAILY and WEEKLY CONSTITUTION. 376 feb20 dtf

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56 sep5,1878-d1y

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I now offer from this date my entire stock of Goods, Positively at NEW YORK COST, such as Dry Goods, Boots, Shoes and Hats, and a large stock of Ladies' and Gents' Trunks and Satchels. This inducement is only for twenty days only, without any Humbug. Purchasers can save money by calling at my store and thereby convince themselves. D. STEINHEIMER,
New York Store, 48 Whitehall street.
400 feb22 d1w

Alex. Fox, Optician,
39 Whitehall Street.
156 feb7 d1m

AMUSEMENTS.

[See Fourth Page]

DeGive's Opera House—March 3, Grand Concert, Herr August Wilhelmj.

TO-DAY'S ADVERTISEMENTS.

[See Second Page.]

Administratrix sale—Mrs. T. L. Pounds.
Sheriff's sale—John L. Camp.
Bargains in crockery—T. R. Ripley.
Spring Furnishing—Lathrop & Fain.

The Constitution.
ATLANTA, GA., FEBRUARY 26, 1879.

Thursday, Feb. 27th, 7 1-2. Important.

SIDEWALK NOTES.

—Peanut venders are having a lively trade.

—Hundreds of new stores and residences will go up this year in Atlanta.

—The city hall park is already a popular resort these fine afternoons.

—A brilliant wedding will take place at the synagogue this afternoon at two o'clock.

—The Atlanta amateur minstrels talk in earnest.

—The wind yesterday managed to stir up all of the loose dust around the country.

—A watering-cart is one of the noblest works of a wheelwright.

—The ladies were out in force yesterday, enjoying the fine weather.

—"Ol'" Hart is all the time engaged hauling furniture.

—There seems to be a general desire to have a week of racing in the spring.

—Moon-light promenades are becoming quite popular.

—Social entertainments will be on the increase as the summer months approach.

—The nickel clubs of Atlanta are reorganizing for the summer campaign.

—A drunken man fell down a flight of steps yesterday afternoon on Marietta street and escaped unhurt.

—It is rumored that an Atlanta speculator has offered $800 for Robson and Crane's house to-night. Reserved seats $1.

—They say there was more beauty to the square inch at the recent meeting of the Sans Souci than ever before seen in Atlanta.

—The Atlanta cadets are drilling almost nightly. Their prize drill and hop will come off at the Kimball at an early day.

—The colored military organizations of Atlanta compare favorably with those of any other city in the south.

—The matinee of the Swedish lady quartettes yesterday afternoon was attended by many of the favorite vocalists of the city.

—This beautiful weather seem to put life in everything, with the exception of the Atlanta cotton factory.

—Some traders say that the live stock trade is fast drawing to a close, while others hold that it is not nearly over yet.

—Robin shooting is a great sport with the Atlanta boys. They kill them with the deadly Alabama sling.

—Work on the new United States building on Marietta street is progressing very rapidly.

—Two small negro boys had a lively fist fight yesterday on Decatur street. No damage was done and no arrests were made by the police.

—The appointment of Dr. T. Raines as physician to the penitentiary convicts meets with favorable comments upon all sides.

—Architets are busily engaged getting out plans and specifications for numerous new buildings to be constructed this summer.

—"Our Bachelors" will be given by Stuart Robson and W. H. Crane at the opera house to-night. Doubtless many of our bachelors will be on hand.

—The circus wagon is still going the rounds and the waffle manufacturers are crying "hot meals served at all hours." Peg-leg Charley has now got opposition.

—A party of ladies and gentlemen sat down to a supper at the Kimball house yesterday afternoon at 2 o'clock and finished at five.

—Major Morgan's third Florida excursion will leave by the Cumberland route next Tuesday. An elegant Lucas sleeper will carry the excursionists to Brunswick and another will take them to Jacksonville.

THE SUPREME COURT.

DECISIONS RENDERED FEB. 25, 1879.

Hon. Hiram Warner, Chief Justice; Hons. Logan E Bleckley and James Jackson, Judges. Reported by Jackson & Lumpkin, Supreme Court Reporters.

Jackson vs. State. Burglary, from Hancock.

WARNER, C. J.

The defendant was indicted for the offense of "burglary in the night time," and was charged with having feloniously broke and entered the smoke-house of Henry Rogers with intent to commit a larceny, and after breaking and entering said house did take and carry away therefrom one hundred and thirty pounds of ham and shoulder meat of the value of $15 80, with intent to steal the same. On the trial of the case the jury, under the charge of the court, found the defendant guilty. A motion was made for a new trial on the grounds therein stated, which was overruled, and the defendant excepted. The main ground of alleged error insisted on here was that the evidence was not sufficient to identify the meat found in the defendant's possession as being a part of that which was stolen from Roger's smoke-house. The question is not whether the evidence was as positive upon that point as it might have been, but the question is whether there was sufficient evidence to support the verdict. In our judgment there was, especially in view of the defendant's contradictory statements as to how he came by the meat, and there being no evidence of his good character.

Let the judgment of the court below be affirmed.

J. G. Jordan; Geo. F. Pierce; Fred. H. Neavy, by brief, for plaintiff in error.

Seaborn Reese, solicitor-general, by brief, for the state.

Wells vs. State. Poisoning well, from Telfair.

WARNER, C. J.

The defendant was indicted for the offense of a misdemeanor, and charged with an attempt to kill and murder one John D. Wynne and his family by poisoning his well with strichnine. On the trial of the case, the jury, under the charge of the court, found the defendant guilty. A motion was made for a new trial on the grounds therein stated, which was overruled and the defendant excepted. The evidence was entirely circumstantial, and the court charged the jury, amongst other things, that "when the evidence is entirely circumstantial, it ought to connect the defendant with the criminal act, the proof must exclude every reasonable hypothesis but that of guilt." Assuming the charge of the court to be a lawful charge, as we do, then the verdict of the jury was contrary to that charge, and contrary to law, inasmuch as the evidence in the record did not connect the defendant with the criminal act charged in the indictment; and, therefore, the overruling the motion for a new trial was error. The law does not allow any one to be convicted of a criminal offense on mere suspicion alone. Let the judgment of the court below be reversed.

D. M. Roberts; J. F. DeLacy; Harris & Williams, by Collier & Collier; W. B. Thomas, for plaintiff in error.

Thomas Eason, solicitor-general, by Z. D. Harrison, for the State.

Goldsmith, Comptroller General, vs. Home Insurance Company et al. Injunction, from Fulton.

WARNER, C. J.

This was a bill filed by the complainants against the defendants, with a prayer for an injunction upon the allegations contained therein. On the hearing of the application, the chancellor after considering the same, the answer of defendants and the affidavit filed therewith, granted the injunction prayed for. Whereupon the defendant excepted. It appears from the record that the comptroller general of the state claims the legal right to assess and collect by execution from the complainants, located in the state of Pennsylvania three per cent. on the premiums received, and two per cent. on the premiums received by the complainants located in New York, as a tax due to the state of Georgia for the year 1878, (that being the rate of taxation upon insurance companies in each of those states respectively) the complainants doing business in this state. The comptroller general bases his right to assess and collect the aforesaid tax on the fifth section of the act of 1869, which is as follows:

"Whenever the existing or future laws of any other state of the United States shall require of insurance companies incorporated by this state, and having agencies in such other state, or of the agents thereof, any deposit of securities in such state for the protection of policy-holders, or otherwise, or any payment for taxes, penalties, certificates of authority, license fees, or otherwise, greater than the amounts required for such purposes from similar companies of other states by the then existing laws of this state, then, and in every such case, all companies of states establishing, or having heretofore established, an agency or agencies in this state, shall be, and are hereby required to make the same deposit for a like purpose with the comptroller-general of this state, and to pay to said comptroller-general for taxes, fines, penalties, certificates of authority, license fees, and otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such state upon companies of this state and agents thereof.

"Sec. 6. That all persons violating the provisions of this act shall be liable to indictment, and, on conviction, shall be fined not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the jury and court trying the same."

The act of 1869 is an act "to regulate insurance business, and insurance agencies, in the state of Georgia," and prescribes the manner in which insurance companies of other states may be allowed to do business in this state, and makes the comptroller-general the agent of the state for that purpose. That act is a valid constitutional law, and has not been repealed. The word tax or taxes, as used in the 5th section of it, has reference to the regulations of state laws in allowing foreign companies to do business therein. Some of the states required a license tax to be paid as a condition precedent to a foreign company doing business therein. Whatever was required by the laws of any one state, either the payment of a specified tax, penalty, license fees, certificate of authority, or otherwise, to enable foreign companies to do business in that state, greater than the amounts required by the then existing laws of this state, then the companies of such state seeking to do business in this state should be required to pay such tax, penalty, license fees, obtain such certificate of authority, or otherwise, as was required by the laws of the state in which said company was located. In other words, whatever burdens were imposed by the laws of any one state upon a Georgia insurance company seeking to do business in that state, the same burdens should be imposed on the insurance companies of that state to enable them to do business in this state. The object and intention of the act of 1869 was to prescribe the terms upon which foreign insurance companies might do business in this state, and not to assess a tax upon said companies to raise revenue for the support of the government of this state. That we have given the proper construction to the act of 1869, is manifested by the repeated action of the general assembly of this state, to the last session thereof, in levying a tax of one per cent. on all premiums insured by said foreign insurance companies doing business in this state. It is true the comptroller general is made the agent of the state, under the act of 1869, to regulate insurance business and insurance agencies in this state in accordance with the provisions of that act, but he had no more power or authority under that act to assess and collect a tax against the complainants, as such insurance agents, for the state, under the general tax laws thereof, than John Doe would have had if he had been appointed insurance agent for the state instead of the comptroller general. The comptroller general derives his power and authority to assess and collect taxes and to issue executions therefor, under the general tax laws of the state, and not as the agent of the state to superintend the regulation of insurance business, and insurance agencies in this state, under the provisions of the act of 1869. When foreign insurance companies have been admitted to do business in this state, in accordance with the laws thereof, the duty of the comptroller general as the tax-collecting agent of the state, will be best performed when he shall proceed to assess and collect from such companies the taxes imposed on them by the general assembly of the state in the enactment of its general tax laws, and no more. There was no error in granting the injunction prayed for.

Let the judgment of the court below be affirmed.

Gartrell & Wright, for plaintiff in error.

Jackson & Lumpkin, for defendants.

Edge vs. Edge. Complaint, from Schley.

WARNER, C. J.

The plaintiff sued the defendant for contribution, and alleged in his declaration that he was duly appointed administrator on the estate of Martin J. Reed, deceased, and as such administrator in the year 1860, he sold at administrator's sale, a lot of land belonging to his intestate's estate, which was purchased by him and the defendant for the sum of $1,405.00, that his intestate left his widow and his son, John C. Reed, as his only heirs at law, both of whom have ratified said sale since the son became of age in 1876, since which time the plaintiff alleges that he has paid said John C. his distributive share of said land, the widow having been previously settled with for her share. The defendant demurred to the plaintiff's declaration, on the ground that it appeared on the face thereof that his demand was barred by the statute of limitations. The court sustained the demurrer, and the plaintiff excepted. There was no error in sustaining the defendant's demurrer to the plaintiff's declaration. The defendant bought one half of the lot of land at the plaintiff's administrator's sale in 1860. The plaintiff could them have sued the defendant for one half of the purchase money for which the land sold, it was no concern of the defendant whether the heirs ratified the sale of the land or not, as he was not the administrator on Reed's estate. The defendant owed the administrator one-half of the purchase money for which the land sold, and he could have paid him for it at any time after the sale in 1860.

Let the judgment of the court below be affirmed.

B. P. Hollis; J. N. Hudson; J. A. Ansley, for plaintiff in error.

Guerry & Son; J. B. Hudson, for defendant.

Kennedy vs. Guise. Ejectment, from Terrell.

WARNER C. J.

This was an action of ejectment brought by the plaintiff against the defendants to secure the possession of the premises therein described, on the several demises of the lessors of the plaintiff therein named. It appears from the record and bill of exceptions, that the defendants had sued out interrogatories for all the plaintiff's lessors, except Kennedy, under the provisions of the 3810th section of the code. It also appears that the interrogatories were filed in the clerk's office on the 11th of February, 1878, and served on the plaintiff's attorney of record on the 14th of February, 1878. It also appears that at the time the interrogatories were filed and served, that Kennedy was not one of the plaintiff's lessors, but was made so by an amendment of the plaintiff's declaration at the May term of the court 1878. When the case was called for trial at the November term of the court, 1878, the defendants made a motion to dismiss the plaintiff's case, on the ground that the interrogatories in the clerk's office had not been answered. This motion was resisted by Kennedy, who made a statement in writing, under oath, that he was the bona fide claimant of the land sued for, that the lessors named were merely nominal parties, and that their names were used for the assertion of his rights in the case, that he was not acquainted with said lessors, did not know where they now live, has tried to find out, but cannot do so. The court dismissed the case, and the plaintiff excepted. The granting or refusing of the motion in this class of cases must necessarily depend upon the sound discretion of the court below, which will not be controlled by this court unless it has been manifestly abused. The plaintiff Kennedy could, if he was the real plaintiff in the case and had used the original lessors' names for his own benefit only, have defeated the defendant's motion to dismiss, by amending his declaration and striking out all the names of those who had been required to answer the interrogatories filed, and then have relied upon his own amended demise for a recovery, or if he did not choose to do that, then it was incumbent on him, if he persisted in using the other lessors' names for his own benefit, to have shown to the satisfaction of the court that he had used all reasonable diligence to procure their answers and had failed to do so. The statement that the plaintiff Kennedy did not know where the lessors, whose names he was using for his own benefit, are, now is, that he had tried to find out and could not do so, was not a sufficient showing of diligence on his part. What did he do to find out where his lessors lived? If he had stated what he did to find his lessors and procure their answers to the interrogatories, the court then might have been able to judge whether he had used reasonable diligence in trying to find them or not. In view of the facts disclosed in the record, we will not interfere to control the discretion of the court in dismissing the plaintiff's case. Let the judgment of the court below be affirmed.

D. A. Vason; L. C. Hoyle, for plaintiff in error.

Guerry & Parks; S. D. Irvin, for defendant.

Carter vs. Watters. Distress warrant, from Dougherty.

WARNER, C. J.

The plaintiff, as one of the executors of Jeremiah Watters, deceased, sued out a distress warrant against the defendant for rent before it was due by the terms of the contract, on the ground that the defendant, as his tenant, was seeking to remove his goods from the premises. The defendant filed his counter-affidavit, and the issue thus formed came on for trial, when the jury, under the charge of the court, found a verdict in favor of the plaintiff. A motion was made for a new trial, on the grounds therein stated, which was overruled, and the defendant excepted. There was no error in overruling the defendant's motion to dismiss the distress warrant, on the ground that one of two executors could not sue out a distress warrant—the more especially as the rent contract was made with the executor alone, who sued out the warrant. In view of the evidence in the record, there was no error in the charge of the court, nor in overruling the defendant's motion for a new trial.

Let the judgment of the court below be affirmed.

W. T. Jones, for plaintiff in error.

Warren & Hobbs; C. B. Wooten, for defendants.

Phillips vs. State. Playing cards, from Sumter.

WARNER, C. J.

The defendant was indicted for the offense of a misdemeanor, and charged with having played and bet at a game of cards in violation of the statute, and on his trial therefor, was found guilty. A motion was made for a new trial, on the ground that the verdict was contrary to law and the evidence, and for newly discovered evidence which was overruled, and the defendant excepted. The only ground insisted on here was the newly discovered evidence. Three witnesses swore positively that they saw the defendant playing and betting at cards with Eli Wells, in the city of Americus in February, 1877. The newly discovered evidence that is now shown by the affidavit of Oliver and Wheeler, that Eli Wells left Americus before the 15th of January, 1877, and had not been there since. These two witnesses must be understood as intending to mean that they did not see Eli Wells in Americus after the 15th of January. The evidence of these two witnesses would not probably change the result, if a new trial was had, in opposition to the three witnesses who swore positively that Wells was there in February, 1877, and played and bet at cards with the defendant. Three affirmative witnesses should, and most probably would, outweigh the negative testimony of the newly discovered witnesses. There was no error in overruling the defendant's motion for a new trial.

Let the judgment of the court below be affirmed.

Simmons & Simmons, for plaintiff in error.

C. B. Hudson, solicitor general, by B. P. Hollis, for the state.

Neal vs. Sawyer. Claim, from Terrell.

WARNER, C. J.

This was a claim case which was submitted to the court below for decision on an agreed statement of facts, without the intervention of a jury. The court decided that the property was not subject to the fi. fa. levied thereon. Whereupon the plaintiff in fi. fa. excepted. It appears from the record that the property was levied on as the property of Mrs. R. A Sawyer to satisfy a judgment obtained against her, and that she claimed it as a homestead exemption for herself and two minor children by Fletcher, her former husband, and one minor child by Sawyer, her present husband, that the claimant was in possession of the property claimed at the time of the levy, the three minor children living with her, but what were there respective ages does not appear, that after her intermarriage with Sawyer, her present husband, he obtained a homestead exemption of all his individual property under the provisions of the 2040th section of the code, that afterwards on the 14th of December, 1876, the claimant applied for and obtained her homestead exemption to the property levied on, the same being her separate property in possession before her marriage with Sawyer, and the question is whether, upon the foregoing statement of facts, the property was subject to the fi. fa. levied thereon. In our judgment, it was subject. The husband is recognized by law as the head of the family, and it is expressly provided by the 2018th section of the Code that where he has no property, or not of sufficient value, out of which to set apart a homestead, and the wife has a separate property subject to her debts, she may relinquish, assign or set over the same to her husband, and then he or she, as the case may be, may apply for and have the homestead set apart as provided by law; that is to say, after she has assigned her separate property to her husband as the head of the family, and he fails or refuses to apply for the homestead exemption, then she may do so. The declared policy of the law appears to be to recognize the husband as the head of the family in applications for homestead exemptions, as well as in regard to other matters.

Let the judgment of the court below be reversed.

Dupont Guerry; Jas. G. Parks, for plaintiff in error.

T. H. Pickett, by brief; D. A. Vason, for defendant.

The following case was argued at the last term and decision reserved. It was decided on February 22d. Jackson, J. being disqualified on account of relationship to some of the plaintiffs in error, did not preside, and Hon. George Hillyer, judge of the superior courts of the Atlanta circuits, was designated by the governor to take his place:

Jones et al. vs. Habersham et al., executors. Probate, from Chatham.

HILLYER, J.

1. By the witness act of 1866 and those provisions of the code relative to the attestation and probate of wills, no person is disqualified from being a subscribing witness by reason of interest. If a subscribing witness is also a legatee or a devisee under the will, the witness is competent, but the legacy or devise to him is void—the other parts of the will stand. If the interest of a subscribing witness be indirect or consequential only, as that of a citizen who is rated for taxes, or a pew-holder in a church, or member of a society where the will makes bequests for the benefit of the poor of the county, or to charitable uses of such church or society, and by reason of its indirectness and uncertainty, the precise interest of such subscribing witness cannot be measured or ascertained so as to lapse into the estate, then the interest of the witness still does not disqualify him, but goes to his credit only.

2. Where the heirs at law of a testatrix are remote collaterals and the legal question as to which of two sets of contestants be next of kin, is involved under the state of the law and ruling on the subject in doubt and difficulty, the mere fact that the testatrix, though knowing both contestants and their relationship to her, yet had the prevailing doubts or even was mistaken in the matter of law at issue, would not make the will inoperative as executed under a mistake of fact touching the existence of the heirs-at-law within the meaning of section 2403 of the code.

3. Where a will in one of the clauses thereof contained this provision, to-wit: "I, Sarah Meredeth—I hereby give and bequeath to such persons as I may name and indicate on a list to be signed by me and folded up with this my will, and in the proportions and of the classes therein set forth, all my silver ware and plate of every description, said list to be taken as part of this my will and testament, and said persons therein named to be legatees under this clause or item of my will," and after the death of testatrix a paper answering the description contained in said item, except that it bore date previous to the date of the will, was produced and filed with the will when offered for probate; and upon caveat filed the finding was in favor of the propounders generally the petition of the executors, the citation issued thereon, the verdict and the judgment making no special mention of said collateral writing as included in the probate; and neither in the caveat, or in a subsequent motion for new trial by caveators, or in their bill of exceptions to this court was any question made touching the identity of said collateral writing, or asto whether the same in reality was propounded, or under the law and the facts could be propounded and proven and put to record as part of the will itself; it is too late to raise these questions for the first time on final argument in this court.

4. A will written upon seperate and detached sheets of paper, may still be a good will, if the writing propounded, taken as one entire document, is in all its parts the identical testament made by the decedent. Where the whole will is in writing, and all the forms of law were fully complied with for its execution and attestation, and the question of the identity of the several sheets propounded, with those on which the will was thus executed and attested, was fully and fairly submitted to the jury, the finding should not be disturbed unless some rule of law has been violated.

5. In this case the verdict is contrary neither to law or the evidence, but plainly accords with both.

Judgment affirmed.

W. Montgomery; J. R. Saussy, for plaintiffs in error.

Jackson, Lawton & Basinger; Hartridge & Chisolm; Charles C. Jones; Wm. Grayson Mann, for defendants.

PERSONAL MENTION.

—Mr. G. Nussbaum, one of the leading merchants of Macon, is in the city.

—Mr. S. J. Bond, of Macon, was in the city yesterday.

—Mr. C. G. Robinson, of Columbus, was visiting Atlanta yesterday.

—Mr. E. R. Dorsey, of Augusta, is in the city.

—Mr. S. Waxelbaum and wife, of Macon, Ga., are visiting Atlanta.

—Mr. John D. Butt, of Augusta, passed through the city yesterday.

—Mr. L. W. Bosworth, of Americus, Ga., was visiting Atlanta yesterday.

—Mr. Sam. H. Jameson, of Macon, is in the city attending the supreme court.

—Hon. W. S. Wallace, of Butler, Ga., is visiting Atlanta.

—Colonel C. C. Jones, of Augusta, is in the city.

—Mr. Charley M. King and lady, of Greensboro, Ga., are on a visit to Atlanta.

—Mr. B. S. Wharton, of Cave Spring, Ga., is visiting Atlanta.

—Mr. A. Cornoker, of Augusta, is in the city.

—Colonel J. Monroe Ogden, of Macon, Ga., is spending a short visit in Atlanta.

Colonel Daniel S. Printup, of Rome, Ga., is in the city on a short visit.

—Mr. J. C. Curd, of Macon, was in the city yesterday.

—Messrs. A. A. Dozier, Cary Thornton and M. H. Blanford, of the Columbus bar, are attending the supreme court.

—Judge R. F. Lyon, Colonel Clifford Anderson and Mr. N. E. Harris, of Macon, are attending the supreme court.

—Mr. A. C. Hooke, representing the Union Nut company of New York, is at the Markham.

—Mr. W. H. W. Fish, son of the late Dr. J. D. Fish, of Savannah, Ga., is visiting Atlanta.

—Messrs. Wallace Trammell, W. B. Hammond and Charles Robinson, of Griffin, were in the city Monday last spending the day with their numerous friends.

—Mr. H. C. Holcombe, a thrifty young man, formerly of Atlanta, has removed to Spring Place, Murray county, where he has begun the publication of the Murray County Gazette, a spicy weekly. He has also been admitted to the bar. We wish him abundant success in his new home.

—The graduating class of the medical college of Ohio, at Cincinnati, for the session of 1878-9, contains 105 members. We are pleased to see that the standing of C. A. Wilson, son of Dr. C. L. Wilson, of Atlanta, is among the very highest in this class, as shown by his final examination papers. We learn that this young gentleman will visit Atlanta in a few days, and may make our city his future home.

The Swedish Lady Vocalists.

The opera house deserved to hold a better audience than it did last evening to give l'envoi to the Swedish lady vocal quartette. These four excellent artistes are finished vocalists, and the charm and power of their music surpass anything we have heard in concert for many seasons. They render some of the choicest bits of song in German, Swedish and English repertoires and in a manner to delight every musical auditor. Without the aid of accompaniment, but yet in such unison do they sing, that the listener forgets the art in the delicious purity of the music. "The Wedding March," "Stina Polka" and "The Old Folks at Home" were remarked most particularly last night. The quartette is deserving of the highest success wherever it may appear.

The harp solos by Mr. Freygang, the Russian harpist, were delightful pieces of instrumentation and were applauded appreciatively by the audience. He is an artist of much merit and earns his undoubted successes.

The Danites.

We had the pleasure of meeting last evening Mr. Charles A. Wing, press agent for J. H. Haverly and McKee Rankin's Danite company, billed to appear at the opera-house March 6th. The Danites will be supported by an excellent company. Both of the above artists will undoubtedly receive a warm reception. Of the company, the Cleveland Herlad says it is the strongest ever put together in America and it is under the management of Mr. J. H. Haverly, who pays to Mr. Rankin and Miss Blanchard, the owners of the piece, a certainty of $40,000 for forty weeks' engagement; in addition to this he has to assume all other expenses: salaries for the company, traveling expenses, printing, etc.

—By reference to another column it will be seen that John Keely is selling best make of prints, damaged by water, at 3 cents per yard; also, black cassimere pant patterns at 50 cents per pattern.

Supreme Court of Georgia.

ATLANTA, GA., February 25, 1879.

Macon Circuit	17	Middle Circuit	6
Flint Circuit	14	Ocmulgee Circuit	12
Coweta Circuit	18	Brunswick Circuit	13
Rome Circuit	5	Eastern Circuit	20
Cherokee Circuit	6	Atlanta Circuit	30
Augusta Circuit	12		

CHATTAHOOCHEE CIRCUIT.

No. 1. Allen vs. Young. Complaint, from Talbot. Argued. J. M. Matthews; M. Bethune, by brief, for plaintiff in error. Willis & Willis, by Z. D. Harrison, contra.

No. 2. Toler vs. Passmore, adm'r, et al. Foreclosure, from Harris. Argued. A. A. Dozier, for plaintiff in error. No appearance contra.

No. 3. Continued.

No. 4. Bearden vs. State. Arson, from Stewart. Record read by clerk.

MACON CIRCUIT.

No. 19. Early & Lane, et al., vs. Oliver & Norton, et al. Injunction, from Bibb. Argued. R. K. Hines; Hill & Harris; C. L. Bartlett; Thomas Willingham, jr.; Blount & Hardeman; Nisbet & Pierce; W. A. Poe, for plaintiffs in error. Lanier & Anderson, contra.

Pending the argument of Mr. Harris, the court adjourned until 10 o'clock A. M. tomorrow.

Wilhelmj's Return.

We had a call last evening from Mr. Edgar H. Strakosch, advance agent of Herr Wilhelmj, who will return to Atlanta and give another concert, assisted by his fine company, on the evening of March 3. This simple announcement will insure a fine audience for the distinguished violinist. In another column will be found the advertisement, which shows that the prices of reserved seats will be $1 and the gallery 50 cents. This reduction will do much to bring out a good attendance. We are informed that Herr Wilhelmj will render several pieces of the popular music of the day, and in a measure dispense with one or two of his classical airs. This change cannot fail to please every one.

Dead Drunk.

Yesterday about noon, as Officer Manley, of the police force, was walking his beat on Marietta street, he came up with a white man who was beastly intoxicated. Officer Manley took him in charge, and the two started for the station-house. When they had arrived near the "Girl of the Period" the drunken man lay down on the sidewalk and refused to go further. Officer Manley procured a wagon and had him hauled off to the lock up. The man was so drunk that he could not tell his name or where he was from. Recorder Milledge will interview him this morning.

Mr. D. M. Thompson.

We had the pleasure of meeting on yesterday Mr. D. M. Thompson, of the firm of Thompson & Nagle, architects and engineers, of Providence, R. I. Mr. Thompson is on a tour through the south, consulting with the leading men of each city with a view of developing the water-powers of the south and building cotton factories. He has already some very important projects under way, and his trip will doubtless be productive of much good. He comes backed by the very strongest references and is a man of ability and experience. We commend him to our readers throughout the state.

Prizes for the Prodigals.

To-day, at the St. Charles hotel, in New Orleans, will be held a convention of the officers of railroads in Texas and between that state and North Carolina, via New Orleans. The object of the meeting is to definitely fix and publish rates for the return of emigrants from Texas to their homes in Alabama, Georgia and the Carolinas. Messrs. Foreacre, Grant and Houston have gone from Atlanta, and we shall know the results of their efforts within a very few days.

Pea-nuts at the Opera House.

It will relieve the theater-going public of the city to a great extent if Mr. DeGive will either get him a new corps of ushers or forbid his present employees from eating peanuts during performances in his theater. They create a nightly nuisance by this unseemly behavior. Notably during the performances of Wilhelmj, the Mendelssohn quintette and the Swedish quartette last night, did these pea-nut crackers disturb the audience and ruin the just appreciation of the music. We are sure Mr. DeGive will abate the uncalled for annoyance.

The Agricultural Congress.

Special dispatch to The Constitution.

NASHVILLE, February 26.—The National agricultural congress convened here yesterday. Members are present only from Tennessee, Georgia and Illinois. Commissioner Killebrew, of the Tennessee agricultural bureau, delivered an address of welcome, which was responded to by Secretary Jonathan Penman, editor of the Practical Farmer, of Chicago, President Thos. P. Janes, of Atlanta, Ga., delivered the annual address. Committees were appointed to arrange for to-day's programme. The congress will be in session two or three days.

—Wanted—A position in any capacity by a young married man where intelligence and energy will merit promotion. Address W., this office.

—The result of the chicken main at New Orleans is not at all satisfactory in Atlanta, as a large amount of money has been wagered on both sides of Mason and Dixon, both sides claim that they would have won if the last fight had not been drawn.

5,000 Dollars a Year.
In order to fill an engagement with the European Expert Trade Loffer my entire stock of goods and fixtures for cash at actual value, or invoice price if preferred. There is not $50.00 worth of hard stock in store.
To any one desirous of obtaining an established wholesale business, at no cost, now is their opportunity. Over $5,000.00 a year clear profit can be made and a possibility of ten thousand.
Mr. A. McD. Wilson, so long and favorably known in my business, is open for an engagement. He is thoroughly familiar with the details of the business and has an extensive acquaintance.
This is a rare opening for an active man with some capital
W. F. STOKES,
Wholesale Fruits, Produce, Canned Goods and Fancy Groceries,
17 Alabama street.
P. S.—Also, my real estate, horse, carriage and other personal property for sale.
472 feb25 d3t mid 4th or 5th col

No More Despair for the Debilitated
Where Consumption—not always the fatal tubercular consumption of the lungs, but general decline of vital energy, and wasting away without renewal of the tissues of the body. When this surely shows itself the doctor stops his usual prescriptions and orders COD LIVER OIL. Three times a day the patient tries to swallow the nauseous dose, and as often feels that the repulsion it causes weakens the power of nutrition and digestion far more than it supplies nourishment to the debilitated system. It is only by mingling the Oil as in SCOTT'S EMULSION with the HYPHOPHOSPHITES OF LIME AND SODA that the disgusting taste and smell of it can be entirely removed. This mixture is pure and smooth and pleasant as sweet milk; and not only restores digestive vigor to the fluids of the stomach, but it enriches the blood, and subdues all of its scrofulous systems.
415 dec20 d3m fri sun wed& wky3m

Buy Carmichael's Liver Pills.
For sale by Hunt, Rankin & Lamar.
236 feb12 d3m

SOLID SILVER
BRIDAL PRESENTS.
A large assortment of elegant NEW GOODS for presentation purposes, just received at J. P. STEVENS & CO'S.,
Jewelers,
34 Whitehall Street.
350 jan19 d12m 4th pg

Postponed.

The Sunday school mass meeting at First M. E. church, advertised for last night, was postponed until to night, in consequence of an accident to the train which prevented the arrival of the speakers. Messrs. Ralph Wells and B. F. Jacobs. These gentlemen will be here to-day and the meeting will positively be held to-night at the First M. E. church.

The Mexican Dollar.

What is the difference between the Mexican dollar and Tabler's Buckeye Pile Ointment? One does what it promises and the other does'nt. The Mexican dollar says, "I am one hundred cents;" but when you come to invest it you find it is only eighty-five. Tabler's Buckeye Pile Ointment says, "I will cure you of Piles," and upon trial it is found to do so in every case. It makes but one promise—to cure Piles; and does so without failure. Price 50 cents a bottle. For sale by Collier & Co.; at wholesale by Hunt, Rankin & Lamar.
411 apr25 deowly&weowly

FIRE! FIRE! FIRE!
DAMAGED GOODS
from the recent great fire in Worth street, New York.
20,000 yards very best Prints made, damaged by water,
3 cents per yard.
5,000 yards Black Cassimeres, wet. These Cassimeres have been partially dried and cut up in 3 yard lengths, and will be sold for 50c. each pattern of 3 yards, worth $1.50.
Hurry up! Come quickly!
They are selling very rapidly.
MERCHANTS
will please not to offer to purchase those goods, as I am determined to give my retail customers the benefit of this extraordinary "Windfall" at JOHN KEELY'S.
484 feb26 dlt top col

"Now is the time to use Smith's Worm Oil."
425 feb23 d1y sun wed &wly

Good Advice.
Now is the time of year for Pneumonia, Lung Fever, etc. Every family should have a bottle of BOSCHEE'S GERMAN SYRUP. Don't allow for one moment that cough to take hold of your child, your family or yourself. Consumption, Asthma, Pneumonia, Croup, Hemorrhages, and other fatal diseases may set in. Although it is true GERMAN SYRUP is curing thousands of these dreaded diseases, yet it is much better to have it at hand when three doses will cure you. One Bottle will last your whole family a winter and keep you safe from danger. If you are consumptive do not rest until you have tried this remedy. Sample Bottles 10 cents. Regular size 75 cents. Sold by your druggist.
378 june22...d&wly eow&weow

Prayer Meetings Postponed.
Most of the city churches will omit their regular prayer meeting to-night to allow the members to attend the great Sunday-school meeting at the First M. E. church.

New Pub lications.
—Have you read "POMONA'S BRIDAL TRIP," the latest
"RUDDER GRANGE" STORY,
in SCRIBNER for March, and "POTTS'S PAINLESS CURE," EDWARD BELLAMY'S story in SCRIBNER for February? 466

—CARBOLINE, a deodorized extract of Petroleum, the only article that will restore hair on bald heads, is an elegant dressing, and contains not a particle of lead, sulphur, or other poisonous drugs. Sold by druggists.
000 jan2 d&weow ly 1

"Give your children Smith's Wor